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1 A bill to be entitled
 2 An act relating to ethics; amending s. 112.312, F.S.;
 3 revising definitions; creating s. 112.3125, F.S.;
 4 defining the term "public officer"; prohibiting public
 5 officers from accepting additional employment with the
 6 state or any of its political subdivisions under
 7 specified conditions; amending s. 112.313, F.S.;
 8 prohibiting the Speaker of the House of
 9 Representatives and the President of the Senate from
 10 personally representing another person or entity for
 11 compensation before any state agency for a period of 2
 12 years following vacation of office; providing
 13 exceptions; prohibiting the Speaker of the House of
 14 Representatives and the President of the Senate from
 15 associating as a partner, principal, or employee of a
 16 firm whose primary purpose is lobbying the Legislature
 17 within the first 2 years after vacation of office
 18 under specified conditions; establishing filing
 19 requirements for a sworn statement; creating s.
 20 112.3142, F.S.; defining the term "constitutional
 21 officers"; requiring constitutional officers to
 22 complete annual ethics training; specifying
 23 requirements for ethics training; requiring the
 24 commission to adopt rules to establish minimum course
 25 content; requiring each house of the Legislature to
 26 provide for ethics training pursuant to its rules;
 27 creating s. 112.31425, F.S.; providing legislative
 28 findings; providing that holding an economic interest

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29 | in a qualified blind trust is not a prohibited
 30 | conflict of interest; providing that a public officer
 31 | may not attempt to influence, exercise control of, or
 32 | obtain information regarding the holdings of the
 33 | qualified blind trust; prohibiting communication
 34 | regarding the qualified blind trust between a public
 35 | officer or a person having a beneficial interest in
 36 | the trust and the trustee; providing exceptions;
 37 | requiring a public officer to report the qualified
 38 | blind trust and its value on his or her financial
 39 | disclosure form under specified circumstances;
 40 | establishing requirements for creation of a qualified
 41 | blind trust; requiring a public officer who holds a
 42 | qualified blind trust to file a notice with the
 43 | Commission on Ethics; requiring a covered public
 44 | official to file an amendment to his or her most
 45 | recent financial disclosure statement under specified
 46 | conditions; amending s. 112.3143, F.S.; defining
 47 | "principal"; requiring state public officers to
 48 | abstain from voting on any matter that the officer
 49 | knows would inure to his or her special private gain
 50 | or loss; requiring that a memorandum filed after a
 51 | vote be filed no later than 15 days after the vote;
 52 | providing that a member of the Legislature satisfies
 53 | the disclosure requirement by filing a form created
 54 | pursuant to the rules of his or her respective house;
 55 | providing that confidential or privileged information
 56 | need not be disclosed; amending s. 112.3144, F.S.;

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57 | requiring the qualifying officer to electronically
 58 | transmit a full and public disclosure of financial
 59 | interests of a qualified candidate to the commission;
 60 | providing timeframes for the filing of certain
 61 | complaints; authorizing filing individuals to file an
 62 | amended statement during a specified timeframe under
 63 | specified conditions; authorizing the commission to
 64 | immediately follow complaint procedures under
 65 | specified conditions; prohibiting the commission from
 66 | taking action on complaints alleging immaterial,
 67 | inconsequential, or de minimis errors or omissions;
 68 | providing what constitutes an immaterial,
 69 | inconsequential, or de minimis error or omission;
 70 | authorizing an individual required to file a
 71 | disclosure to have the statement prepared by an
 72 | attorney or a certified public accountant; requiring
 73 | an attorney or certified public accountant to sign the
 74 | completed disclosure form to indicate compliance with
 75 | applicable requirements and that the disclosure is
 76 | true and correct based on reasonable knowledge and
 77 | belief; requiring the commission to determine if an
 78 | attorney or a certified public accountant failed to
 79 | disclose information provided by the filing individual
 80 | on the filed statement; providing that the failure of
 81 | the attorney or certified public accountant to
 82 | accurately transcribe information provided by the
 83 | filing individual does not constitute a violation;
 84 | authorizing an elected officer or candidate to use

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85 funds in an office account or campaign depository to
 86 pay an attorney or certified public accountant for
 87 preparing a disclosure; creating s. 112.31445, F.S.;
 88 providing a definition for "electronic filing system";
 89 requiring all disclosures of financial interests filed
 90 with the commission to be scanned and made publicly
 91 available on a searchable Internet database beginning
 92 with the 2012 filing year; requiring the commission to
 93 submit a proposal to the President of the Senate and
 94 the Speaker of the House of Representatives for a
 95 mandatory electronic filing system by a specified
 96 date; establishing minimum requirements for the
 97 commission's proposal; amending s. 112.3145, F.S.;
 98 revising the definitions of "local officer" and
 99 "specified state employee"; revising procedures for
 100 the filing of a statement of financial interests with
 101 a candidate's qualifying papers; requiring a person
 102 filing a statement of financial interest to indicate
 103 the method of reporting income; providing timeframes
 104 for the filing of certain complaints; authorizing
 105 filing individuals to file an amended statement during
 106 a specified timeframe under specified conditions;
 107 authorizing the commission to immediately follow
 108 complaint procedures under specified conditions;
 109 prohibiting the commission from taking action on
 110 complaints alleging immaterial, inconsequential, or de
 111 minimis errors or omissions; providing what
 112 constitutes an immaterial, inconsequential, or de

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113 | minimis error or omission; authorizing an individual
 114 | required to file a disclosure to have the statement
 115 | prepared by an attorney or a certified public
 116 | accountant; requiring an attorney or certified public
 117 | accountant to sign the completed disclosure form to
 118 | indicate compliance with applicable requirements and
 119 | that the disclosure is true and correct based on
 120 | reasonable knowledge and belief; requiring the
 121 | commission to determine if an attorney or a certified
 122 | public accountant failed to disclose information
 123 | provided by the filing individual on the filed
 124 | statement; providing that the failure of the attorney
 125 | or certified public accountant to accurately
 126 | transcribe information provided by the filing
 127 | individual does not constitute a violation;
 128 | authorizing an elected officer or candidate to use
 129 | funds in an office account or campaign depository to
 130 | pay an attorney or certified public accountant for
 131 | preparing a disclosure; creating s. 112.31455, F.S.;
 132 | requiring the commission to attempt to determine
 133 | whether an individual owing certain fines is a current
 134 | public officer or public employee; authorizing the
 135 | commission to notify the Chief Financial Officer or
 136 | the governing body of a county, municipality, or
 137 | special district of the total amount of any fine owed
 138 | to the commission by such individuals; requiring that
 139 | the Chief Financial Officer or the governing body of a
 140 | county, municipality, or special district begin

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141 withholding portions of any salary payment that would
 142 otherwise be paid to the current public officer or
 143 public employee; requiring that the withheld payments
 144 be remitted to the commission until the fine is
 145 satisfied; authorizing the Chief Financial Officer or
 146 the governing body to retain a portion of payment for
 147 administrative costs; authorizing collection methods
 148 for the commission or the Department of Financial
 149 Services for individuals who are no longer public
 150 officers or public employees; authorizing the
 151 commission to contract with a collection agency;
 152 authorizing a collection agency to utilize collection
 153 methods authorized by law; authorizing the commission
 154 to collect an unpaid fine within a specified period of
 155 issuance of the final order; amending s. 112.3147,
 156 F.S.; providing an exception to the requirement that
 157 all forms be prescribed by the commission; amending s.
 158 112.3148, F.S.; revising the definition of
 159 "procurement employee"; creating a definition for
 160 "vendor"; prohibiting a reporting individual or
 161 procurement employee from soliciting or knowingly
 162 accepting a gift from a vendor; deleting references to
 163 political committees and committees of continuous
 164 existence; amending s. 112.3149, F.S.; revising the
 165 definition of "procurement employee"; creating a
 166 definition for "vendor"; prohibiting a reporting
 167 individual or procurement employee from knowingly
 168 accepting an honorarium from a vendor; prohibiting a

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169 vendor from giving an honorarium to a reporting
 170 individual or procurement employee; amending s.
 171 112.317, F.S.; making technical changes; amending s.
 172 112.3215, F.S.; authorizing the commission to
 173 investigate sworn complaints alleging a prohibited
 174 expenditure; authorizing the commission to investigate
 175 a lobbyist or principal upon a sworn complaint or
 176 random audit; authorizing the Governor and Cabinet to
 177 assess a fine on a lobbyist or principal under
 178 specified conditions; providing a civil penalty;
 179 amending s. 112.324, F.S.; authorizing specified
 180 parties to submit written referrals of a possible
 181 violation of the Code of Ethics for Public Officers
 182 and Employees or other possible breaches of the public
 183 trust to the Commission on Ethics; establishing
 184 procedures for the receipt of written referrals by the
 185 commission; extending the period in which the
 186 disclosure of the intent to file or the filing of a
 187 complaint against a candidate is prohibited; providing
 188 exceptions; authorizing the commission to dismiss a
 189 complaint of a de minimis violation; providing
 190 exceptions; defining a de minimis violation;
 191 reenacting s. 120.665, F.S., relating to
 192 disqualification of agency personnel, to incorporate
 193 the amendments to s. 112.3143, F.S., in a reference
 194 thereto; reenacting s. 286.012, F.S., relating to
 195 voting requirements at meetings of governmental
 196 bodies, to incorporate the amendments made to s.

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197 | 112.3143, F.S., in a reference thereto; reenacting s.
 198 | 287.175, F.S., relating to penalties, to incorporate
 199 | the amendments made to s. 112.324, F.S., in a
 200 | reference thereto; amending s. 288.901, F.S.;
 201 | correcting a cross-reference; amending s. 445.007,
 202 | F.S., and reenacting subsection (1) of that section,
 203 | relating to regional workforce boards, to incorporate
 204 | the amendments made to s. 112.3143, F.S., in a
 205 | reference thereto; correcting cross-references;
 206 | reenacting s. 627.311(5)(m), F.S., relating to joint
 207 | underwriters and joint reinsurers, to incorporate the
 208 | amendments made to s. 112.3143, F.S., in a reference
 209 | thereto; reenacting s. 627.351(6)(d), F.S., relating
 210 | to Citizens Property Insurance Corporation, to
 211 | incorporate the amendments made to s. 112.3143, F.S.;
 212 | providing an effective date.

213 |
 214 | Be It Enacted by the Legislature of the State of Florida:

215 |
 216 | Section 1. Subsection (5) of section 112.312, Florida
 217 | Statutes, is amended to read:

218 | 112.312 Definitions.—As used in this part and for purposes
 219 | of the provisions of s. 8, Art. II of the State Constitution,
 220 | unless the context otherwise requires:

221 | (5) "Business entity" means any corporation, partnership,
 222 | limited partnership, company, limited liability company,
 223 | proprietorship, firm, enterprise, franchise, association, self-
 224 | employed individual, or trust, whether fictitiously named or

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225 | not, doing business in this state.

226 | Section 2. Section 112.3125, Florida Statutes, is created
227 | to read:

228 | 112.3125 Dual public employment.—

229 | (1) As used in this section, the term "public officer"
230 | includes any person who is elected to state or local office or,
231 | for the period of his or her candidacy, any person who has
232 | qualified as a candidate for state or local office.

233 | (2) A public officer may not accept public employment with
234 | the state or any of its political subdivisions if the public
235 | officer knows, or with the exercise of reasonable care should
236 | know, that the position is being offered by the employer for the
237 | purpose of gaining influence or other advantage based on the
238 | public officer's office or candidacy.

239 | (3) Any public employment accepted by a public officer
240 | must meet all of the following conditions:

241 | (a)1. The position was already in existence or was created
242 | by the employer without the knowledge or anticipation of the
243 | public officer's interest in such position;

244 | 2. The position was publicly advertised;

245 | 3. The public officer was subject to the same application
246 | and hiring process as other candidates for the position; and

247 | 4. The public officer meets or exceeds the required
248 | qualifications for the position.

249 | (4) A person who was employed by the state or any of its
250 | political subdivisions before qualifying as a public officer for
251 | his or her current term of office or the next available term of
252 | office may continue his or her employment. However, he or she

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253 | may not accept promotion, advancement, additional compensation,
 254 | or anything of value that he or she knows, or with the exercise
 255 | of reasonable care should know, is provided or given as a result
 256 | of his or her election or position, or that is otherwise
 257 | inconsistent with the promotion, advancement, additional
 258 | compensation, or anything of value provided or given an employee
 259 | who is similarly situated.

260 | (5) This section may not be interpreted as authorizing
 261 | employment that is otherwise prohibited by law.

262 | Section 3. Paragraph (a) of subsection (9) of section
 263 | 112.313, Florida Statutes, is amended to read:

264 | 112.313 Standards of conduct for public officers,
 265 | employees of agencies, and local government attorneys.—

266 | (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 267 | LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

268 | (a)1. It is the intent of the Legislature to implement by
 269 | statute the provisions of s. 8(e), Art. II of the State
 270 | Constitution relating to legislators, statewide elected
 271 | officers, appointed state officers, and designated public
 272 | employees.

273 | 2. As used in this paragraph:

274 | a. "Employee" means:

275 | (I) Any person employed in the executive or legislative
 276 | branch of government holding a position in the Senior Management
 277 | Service as defined in s. 110.402 or any person holding a
 278 | position in the Selected Exempt Service as defined in s. 110.602
 279 | or any person having authority over policy or procurement
 280 | employed by the Department of the Lottery.

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281 (II) The Auditor General, the director of the Office of
 282 Program Policy Analysis and Government Accountability, the
 283 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 284 at Arms and Clerk of the House of Representatives.

285 (III) The executive director and deputy executive director
 286 of the Commission on Ethics.

287 (IV) An executive director, staff director, or deputy
 288 staff director of each joint committee, standing committee, or
 289 select committee of the Legislature; an executive director,
 290 staff director, executive assistant, analyst, or attorney of the
 291 Office of the President of the Senate, the Office of the Speaker
 292 of the House of Representatives, the Senate Majority Party
 293 Office, Senate Minority Party Office, House Majority Party
 294 Office, or House Minority Party Office; or any person, hired on
 295 a contractual basis, having the power normally conferred upon
 296 such persons, by whatever title.

297 (V) The Chancellor and Vice Chancellors of the State
 298 University System; the general counsel to the Board of Governors
 299 of the State University System; and the president, provost, vice
 300 presidents, and deans of each state university.

301 (VI) Any person, including an other-personal-services
 302 employee, having the power normally conferred upon the positions
 303 referenced in this sub-subparagraph.

304 b. "Appointed state officer" means any member of an
 305 appointive board, commission, committee, council, or authority
 306 of the executive or legislative branch of state government whose
 307 powers, jurisdiction, and authority are not solely advisory and
 308 include the final determination or adjudication of any personal

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309 or property rights, duties, or obligations, other than those
 310 relative to its internal operations.

311 c. "State agency" means an entity of the legislative,
 312 executive, or judicial branch of state government over which the
 313 Legislature exercises plenary budgetary and statutory control.

314 3. a. No member of the Legislature, appointed state
 315 officer, or statewide elected officer shall personally represent
 316 another person or entity for compensation before the government
 317 body or agency of which the individual was an officer or member
 318 for a period of 2 years following vacation of office. No member
 319 of the Legislature shall personally represent another person or
 320 entity for compensation during his or her term of office before
 321 any state agency other than judicial tribunals or in settlement
 322 negotiations after the filing of a lawsuit.

323 (b) For a period of 2 years following vacation of office,
 324 the Speaker of the House of Representatives and the President of
 325 the Senate shall not:

326 (I.) Personally represent another person or entity for
 327 compensation before any state agency other than judicial
 328 tribunals or in settlement negotiations after the filing of a
 329 lawsuit; or

330 (II.) Associate as a partner, principal, employee of a
 331 firm, or consultant for the purpose of drafting, strategizing,
 332 consulting, advising or in any way working on matters that will
 333 come before the Legislature or provide networking or
 334 relationship building services with sitting members of the
 335 Legislature. For purposes of this prohibition, employment,
 336 partnership, or association with a principal, firm, or entity

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337 | whose primary purpose is legislative lobbying is presumptively
 338 | prohibited unless the principal, firm, entity, or former
 339 | presiding officer first receives an advisory opinion from the
 340 | commission finding that the proposed employment is in compliance
 341 | with this section. If the primary purpose of the employer,
 342 | association or partnership, principal, firm, or entity
 343 | affiliating with the former presiding officer is legislative
 344 | lobbying, such entity must file annually a sworn statement with
 345 | the Secretary of the Senate or the Clerk of the House of
 346 | Representatives affirming that the former presiding officer did
 347 | not engage in any of the prohibited activities.

348 | 4. An agency employee, including an agency employee who
 349 | was employed on July 1, 2001, in a Career Service System
 350 | position that was transferred to the Selected Exempt Service
 351 | System under chapter 2001-43, Laws of Florida, may not
 352 | personally represent another person or entity for compensation
 353 | before the agency with which he or she was employed for a period
 354 | of 2 years following vacation of position, unless employed by
 355 | another agency of state government.

356 | 5. Any person violating this paragraph shall be subject to
 357 | the penalties provided in s. 112.317 and a civil penalty of an
 358 | amount equal to the compensation which the person receives for
 359 | the prohibited conduct.

360 | 6. This paragraph is not applicable to:

361 | a. A person employed by the Legislature or other agency
 362 | prior to July 1, 1989;

363 | b. A person who was employed by the Legislature or other
 364 | agency on July 1, 1989, whether or not the person was a defined

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365 employee on July 1, 1989;

366 c. A person who was a defined employee of the State
 367 University System or the Public Service Commission who held such
 368 employment on December 31, 1994;

369 d. A person who has reached normal retirement age as
 370 defined in s. 121.021(29), and who has retired under the
 371 provisions of chapter 121 by July 1, 1991; or

372 e. Any appointed state officer whose term of office began
 373 before January 1, 1995, unless reappointed to that office on or
 374 after January 1, 1995.

375 Section 4. Section 112.3142, Florida Statutes, is created
 376 to read:

377 112.3142 Ethics training for specified constitutional
 378 officers.-

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

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

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393 presentation if the required subjects are covered.

394 (b) The commission shall adopt rules establishing minimum
 395 course content for the portion of an ethics training class that
 396 addresses s. 8, Art. II of the State Constitution and the Code
 397 of Ethics for Public Officers and Employees.

398 (3) Each house of the Legislature shall provide for ethics
 399 training pursuant to its rules.

400 Section 5. Section 112.31425, Florida Statutes, is created
 401 to read:

402 112.31425 Qualified blind trusts.-

403 (1) The Legislature finds that if a public officer creates
 404 a trust and does not control the interests held by the trust,
 405 his or her official actions will not be influenced or appear to
 406 be influenced by private considerations.

407 (2) If a public officer holds a beneficial interest in a
 408 qualified blind trust as described in this section, he or she
 409 does not have a conflict of interest prohibited under s.
 410 112.313(3) or (7) or a voting conflict of interest under s.
 411 112.3143 with regard to matters pertaining to that interest.

412 (3) The public officer may not attempt to influence or
 413 exercise any control over decisions regarding the management of
 414 assets in a qualified blind trust. The public officer or any
 415 person having a beneficial interest in the qualified blind trust
 416 may not make any effort to obtain information with respect to
 417 the holdings of the trust, including obtaining a copy of any
 418 trust tax return filed or any information relating thereto,
 419 except as otherwise provided in this section.

420 (4) Except for communications that consist solely of

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421 requests for distributions of cash or other unspecified assets
 422 of the trust, the public officer or the person who has a
 423 beneficial interest may not have any direct or indirect
 424 communication with the trustee with respect to the trust, unless
 425 such communication is in writing and relates only to:

426 (a) A request for a distribution from the trust which does
 427 not specify whether the distribution is to be made in cash or in
 428 kind;

429 (b) The general financial interests and needs of the
 430 public officer or the person who has a beneficial interest,
 431 including, but not limited to, an interest in maximizing income
 432 or long-term capital gain;

433 (c) A notification of the trustee of a law or regulation
 434 subsequently applicable to the public officer which prohibits
 435 the officer from holding an asset and directs that the asset not
 436 be held by the trust; or

437 (d) A direction to the trustee to sell all of an asset
 438 initially placed in the trust by the public officer which, in
 439 the determination of the public officer, creates a conflict of
 440 interest or the appearance thereof due to the subsequent
 441 assumption of duties by the public officer.

442 (5) The public officer shall report the beneficial
 443 interest in the qualified blind trust and its value as an asset
 444 on his or her financial disclosure form, if the value is
 445 required to be disclosed. The public officer shall report the
 446 blind trust as a primary source of income on his or her
 447 financial disclosure forms and its amount, if the amount of
 448 income is required to be disclosed. The public officer is not

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449 required to report as a secondary source of income any source of
 450 income to the blind trust.

451 (6) In order to constitute a qualified blind trust, the
 452 trust established by the public officer must meet the following
 453 requirements:

454 (a) The person appointed as the trustee may not be:

455 1. The public officer's spouse, child, parent,
 456 grandparent, grandchild, brother, sister, parent-in-law,
 457 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
 458 the spouse of any such person;

459 2. A person who is an elected or appointed public officer
 460 or a public employee; or

461 3. A person who has been appointed to serve in an agency
 462 by the public officer or by a public officer or public employee
 463 supervised by the public officer.

464 (b) All assets in the trust must be readily marketable.

465 (c) The trust agreement that establishes the trust must:

466 1. Contain a complete list of assets placed in the trust.

467 2. Contain a statement that its purpose is to remove from
 468 the grantor control and knowledge of investment of trust assets
 469 so that conflicts between the grantor's responsibilities as a
 470 public officer and his or her private interests are eliminated.

471 3. Give the trustee complete discretion to manage the
 472 trust, including, but not limited to, the power to dispose of
 473 and acquire trust assets without consulting or notifying the
 474 covered public officer or the person having a beneficial
 475 interest in the trust.

476 4. Prohibit communication between the trustee and the

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477 public officer, or the person who has a beneficial interest in
 478 the trust, concerning the holdings or sources of income of the
 479 trust, except amounts of cash value or net income or loss, if
 480 such report does not identify any asset or holding, or except as
 481 provided in this section.

482 5. Provide that the trust tax return is prepared by the
 483 trustee or his or her designee and that any information relating
 484 thereto is not disclosed to the public officer or to the person
 485 who has a beneficial interest, except as provided in this
 486 section.

487 6. Permit the trustee to notify the public officer of the
 488 date of disposition and value at disposition of any original
 489 investment or interest in real property to the extent required
 490 by federal tax law so that the information can be reported on
 491 the public officer's applicable tax returns.

492 7. Prohibit the trustee from disclosing to the public
 493 officer or the person who has a beneficial interest any
 494 information concerning replacement assets to the trust, except
 495 for the minimum tax information that lists only the totals of
 496 taxable items from the trust and does not describe the source of
 497 individual items of income.

498 (d) Within 5 business days after the agreement is
 499 executed, the public officer shall file with the commission a
 500 copy of the trust agreement and a notice setting forth:

- 501 1. The date that the agreement is executed;
- 502 2. The name and address of the trustee; and
- 503 3. The acknowledgement by the trustee that he or she has
 504 agreed to serve as trustee.

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505 (7) If the trust is revoked while the covered public
 506 official is a public officer, or if the covered public official
 507 learns of any replacement assets that have been added to the
 508 trust, the covered public official shall file an amendment to
 509 his or her most recent financial disclosure statement. The
 510 amendment shall be filed no later than 60 days after the date of
 511 revocation or the addition of the replacement assets. The
 512 covered public official shall disclose the previously unreported
 513 pro rata share of the trust's interests in investments or income
 514 deriving from any such investments. For purposes of this
 515 section, any replacement asset that becomes known to the covered
 516 public official shall thereafter be treated as though it were an
 517 original asset of the trust.

518 Section 6. Subsections (1) and (2) of section 112.3143,
 519 Florida Statutes, are amended, current subsection (5) of that
 520 section is renumbered as subsection (6), and a new subsection
 521 (5) is added to that section, to read:

522 112.3143 Voting conflicts.—

523 (1) As used in this section:

524 (a) "Principal" includes the parent organization or
 525 subsidiary of any business entity by which the public officer is
 526 retained.

527 (b)-(a) "Public officer" includes any person elected or
 528 appointed to hold office in any agency, including any person
 529 serving on an advisory body.

530 (c)-(b) "Relative" means any father, mother, son, daughter,
 531 husband, wife, brother, sister, father-in-law, mother-in-law,
 532 son-in-law, or daughter-in-law.

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533 (2) (a) ~~A No~~ state public officer may not vote on any
 534 matter that the officer knows would inure to his or her special
 535 private gain or loss ~~is prohibited from voting in an official~~
 536 ~~capacity on any matter. However,~~ Any state public officer who
 537 abstains from voting in an official capacity upon any measure
 538 that ~~which~~ the officer knows would inure to the officer's
 539 special private gain or loss, or who votes in an official
 540 capacity on a measure that; ~~which~~ he or she knows would inure to
 541 the special private gain or loss of any principal by whom the
 542 officer is retained or to the parent organization or subsidiary
 543 of a corporate principal by which the officer is retained other
 544 than an agency as defined in s. 112.312 (2); or which the
 545 officer knows would inure to the special private gain or loss of
 546 a relative or business associate of the public officer, shall
 547 make every reasonable effort to, ~~within 15 days after the vote~~
 548 ~~occurs,~~ disclose the nature of his or her interest as a public
 549 record in a memorandum filed with the person responsible for
 550 recording the minutes of the meeting, who shall incorporate the
 551 memorandum in the minutes. If it is not possible for the state
 552 public officer to file a memorandum before the vote, the
 553 memorandum must be filed with the person responsible for
 554 recording the minutes of the meeting no later than 15 days after
 555 the vote.

556 (b) A member of the Legislature may satisfy the disclosure
 557 requirements of this section by filing a disclosure form created
 558 pursuant to the rules of the member's respective house if the
 559 member discloses the information required by this subsection.

560 (5) If disclosure of specific information would violate

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561 confidentiality or privilege pursuant to law or rules governing
 562 attorneys, a public officer, who is also an attorney, may comply
 563 with the disclosure requirements of this section by disclosing
 564 the nature of the interest in such a way as to provide the
 565 public with notice of the conflict.

566 Section 7. Subsection (2) of section 112.3144, Florida
 567 Statutes, is amended, present subsection (7) is renumbered as
 568 subsection (9), and new subsections (7) and (8) are added to
 569 that section, to read:

570 112.3144 Full and public disclosure of financial
 571 interests.—

572 (2) A person who is required, pursuant to s. 8, Art. II of
 573 the State Constitution, to file a full and public disclosure of
 574 financial interests and who has filed a full and public
 575 disclosure of financial interests for any calendar or fiscal
 576 year shall not be required to file a statement of financial
 577 interests pursuant to s. 112.3145(2) and (3) for the same year
 578 or for any part thereof notwithstanding any requirement of this
 579 part. When a candidate has qualified for office, the qualifying
 580 officer shall forward an electronic copy of the full and public
 581 disclosure of financial interests to the commission no later
 582 than July 1. The electronic copy of the full and public
 583 disclosure of financial interests satisfies the annual
 584 disclosure requirement of this section. A candidate who does not
 585 qualify until after the annual full and public disclosure has
 586 been filed pursuant to this section, ~~except that a candidate for~~
 587 ~~office~~ shall file a copy of his or her disclosure with the
 588 officer before whom he or she qualifies.

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589 (7) (a) The commission shall treat an amended full and
 590 public disclosure of financial interests that is filed prior to
 591 September 1 of the current year as the original filing,
 592 regardless of whether a complaint has been filed. If a complaint
 593 pertaining to the current year alleges a failure to properly and
 594 accurately disclose any information required by this section or
 595 if a complaint filed pertaining to a previous reporting period
 596 within the preceding 5 years alleges a failure to properly and
 597 accurately disclose any information required to be disclosed by
 598 this section, the commission may immediately follow complaint
 599 procedures in s. 112.324. However, if a complaint filed after
 600 August 25 alleges an immaterial, inconsequential, or de minimis
 601 error or omission, the commission may not take any action on the
 602 complaint, other than notifying the filer of the complaint. The
 603 filer must be given 30 days to file an amended full and public
 604 disclosure of financial interests correcting any errors. If the
 605 filer does not file an amended full and public disclosure of
 606 financial interests within 30 days after the commission sends
 607 notice of the complaint, the commission may continue with
 608 proceedings pursuant to s. 112.324.

609 (b) For purposes of the final full and public disclosure
 610 of financial interests, the commission shall treat a new final
 611 full and public disclosure of financial interests as the
 612 original filing if filed within 60 days after the original
 613 filing, regardless of whether a complaint has been filed. If,
 614 more than 60 days after a final full and public disclosure of
 615 financial interests is filed, a complaint is filed alleging a
 616 complete omission of any information required to be disclosed by

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617 this section, the commission may immediately follow the
 618 complaint procedures in s. 112.324. However, if the complaint
 619 alleges an immaterial, inconsequential, or de minimis error or
 620 omission, the commission may not take any action on the
 621 complaint, other than notifying the filer of the complaint. The
 622 filer must be given 30 days to file a new final full and public
 623 disclosure of financial interests correcting any errors. If the
 624 filer does not file a new final full and public disclosure of
 625 financial interests within 30 days after the commission sends
 626 notice of the complaint, the commission may continue with
 627 proceedings pursuant to s. 112.324.

628 (c) For purposes of this section, an error or omission is
 629 immaterial, inconsequential, or de minimis if the original
 630 filing provided sufficient information for the public to
 631 identify potential conflicts of interest.

632 (8) (a) An individual required to file a disclosure
 633 pursuant to this section may have the disclosure prepared by an
 634 attorney in good standing with The Florida Bar or by a certified
 635 public accountant licensed under chapter 473. After preparing a
 636 disclosure form, the attorney or certified public accountant
 637 must sign the form indicating that he or she prepared the form
 638 in accordance with this section and the instructions for
 639 completing and filing the disclosure forms and that, upon his or
 640 her reasonable knowledge and belief, the disclosure is true and
 641 correct. If a complaint is filed alleging a failure to disclose
 642 information required by this section, the commission shall
 643 determine whether the information was disclosed to the attorney
 644 or certified public accountant. The failure of the attorney or

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645 certified public accountant to accurately transcribe information
 646 provided by the individual required to file is not a violation
 647 of this section.

648 (b) An elected officer or candidate who chooses to use an
 649 attorney or a certified public accountant to prepare his or her
 650 disclosure may pay for the services of the attorney or certified
 651 public accountant from funds in an office account created
 652 pursuant to s. 106.141 or, during a year that the individual
 653 qualifies for election to public office, the candidate's
 654 campaign depository pursuant to s. 106.021.

655 Section 8. Section 112.31445, Florida Statutes, is created
 656 to read:

657 112.31445 Electronic filing system; full and public
 658 disclosure of financial interests.-

659 (1) As used in this section, the term "electronic filing
 660 system" means an Internet system for recording and reporting
 661 full and public disclosure of financial interests or any other
 662 form that is required pursuant to s. 112.3144.

663 (2) Beginning with the 2012 filing year, all full and
 664 public disclosures of financial interests filed with the
 665 commission pursuant to s. 8, Art. II of the State Constitution
 666 or s. 112.3144 must be scanned and made publicly available by
 667 the commission through a searchable Internet database.

668 (3) By December 1, 2015, the commission shall submit a
 669 proposal to the President of the Senate and the Speaker of the
 670 House of Representatives for a mandatory electronic filing
 671 system. The proposal must, at a minimum:

672 (a) Provide for access through the Internet.

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673 (b) Establish a procedure to make filings available in a
 674 searchable format that is accessible by an individual using
 675 standard web-browsing software.

676 (c) Provide for direct completion of the full and public
 677 disclosure of financial interests forms as well as upload of
 678 such information using software approved by the commission.

679 (d) Provide a secure method that prevents unauthorized
 680 access to electronic filing system functions.

681 (e) Provide a method for an attorney or certified public
 682 accountant licensed in this state to sign the disclosure form to
 683 indicate that he or she prepared the form in accordance with s.
 684 112.3144 and the instructions for completing and filing the
 685 disclosure form and that, upon his or her reasonable knowledge
 686 and belief, the form is true and correct.

687 (f) Address whether additional statutory or rulemaking
 688 authority is necessary for implementation of the system, and
 689 must include, at a minimum, the following elements: alternate
 690 filing procedures to be used in the event that the commission's
 691 electronic filing system is inoperable, issuance of an
 692 electronic receipt via electronic mail indicating and verifying
 693 to the individual who submitted the full and public disclosure
 694 of financial interests form that the form has been filed, and a
 695 determination of the feasibility and necessity of including
 696 statements of financial interests filed pursuant to s. 112.3145
 697 in the proposed system.

698 Section 9. Paragraphs (a) and (b) of subsection (1),
 699 paragraph (a) of subsection (2), and subsection (3) of section
 700 112.3145, Florida Statutes, are amended, present subsection (9)

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701 of that section is renumbered as subsection (11), and new
 702 subsections (9) and (10) are added to that section, to read:

703 112.3145 Disclosure of financial interests and clients
 704 represented before agencies.—

705 (1) For purposes of this section, unless the context
 706 otherwise requires, the term:

707 (a) "Local officer" means:

708 1. Every person who is elected to office in any political
 709 subdivision of the state, and every person who is appointed to
 710 fill a vacancy for an unexpired term in such an elective office.

711 2. Any appointed member of any of the following boards,
 712 councils, commissions, authorities, or other bodies of any
 713 county, municipality, school district, independent special
 714 district, or other political subdivision of the state:

715 a. The governing body of the political subdivision, if
 716 appointed;

717 ~~b. An expressway authority or transportation authority~~
 718 ~~established by general law;~~

719 b.e. A community college or junior college district board
 720 of trustees;

721 c.d. A board having the power to enforce local code
 722 provisions;

723 d.e. A planning or zoning board, board of adjustment,
 724 board of appeals, community redevelopment agency board, or other
 725 board having the power to recommend, create, or modify land
 726 planning or zoning within the political subdivision, except for
 727 citizen advisory committees, technical coordinating committees,
 728 and such other groups who only have the power to make

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729 | recommendations to planning or zoning boards;
 730 | ~~e.f.~~ A pension board or retirement board having the power
 731 | to invest pension or retirement funds or the power to make a
 732 | binding determination of one's entitlement to or amount of a
 733 | pension or other retirement benefit; or
 734 | ~~f.g.~~ Any other appointed member of a local government
 735 | board who is required to file a statement of financial interests
 736 | by the appointing authority or the enabling legislation,
 737 | ordinance, or resolution creating the board.
 738 | 3. Any person holding one or more of the following
 739 | positions: mayor; county or city manager; chief administrative
 740 | employee of a county, municipality, or other political
 741 | subdivision; county or municipal attorney; finance director of a
 742 | county, municipality, or other political subdivision; chief
 743 | county or municipal building code inspector; county or municipal
 744 | water resources coordinator; county or municipal pollution
 745 | control director; county or municipal environmental control
 746 | director; county or municipal administrator, with power to grant
 747 | or deny a land development permit; chief of police; fire chief;
 748 | municipal clerk; district school superintendent; community
 749 | college president; district medical examiner; or purchasing
 750 | agent having the authority to make any purchase exceeding the
 751 | threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 752 | behalf of any political subdivision of the state or any entity
 753 | thereof.
 754 | (b) "Specified state employee" means:
 755 | 1. Public counsel created by chapter 350, an assistant
 756 | state attorney, an assistant public defender, a criminal

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757 | conflict and civil regional counsel, an assistant criminal
 758 | conflict and civil regional counsel, a full-time state employee
 759 | who serves as counsel or assistant counsel to any state agency,
 760 | the Deputy Chief Judge of Compensation Claims, a judge of
 761 | compensation claims, an administrative law judge, or a hearing
 762 | officer.

763 | 2. Any person employed in the office of the Governor or in
 764 | the office of any member of the Cabinet if that person is exempt
 765 | from the Career Service System, except persons employed in
 766 | clerical, secretarial, or similar positions.

767 | 3. The State Surgeon General or each appointed secretary,
 768 | assistant secretary, deputy secretary, executive director,
 769 | assistant executive director, or deputy executive director of
 770 | each state department, commission, board, or council; unless
 771 | otherwise provided, the division director, assistant division
 772 | director, deputy director, bureau chief, and assistant bureau
 773 | chief of any state department or division; or any person having
 774 | the power normally conferred upon such persons, by whatever
 775 | title.

776 | 4. The superintendent or institute director of a state
 777 | mental health institute established for training and research in
 778 | the mental health field or the warden or director of any major
 779 | state institution or facility established for corrections,
 780 | training, treatment, or rehabilitation.

781 | 5. Business managers, purchasing agents having the power
 782 | to make any purchase exceeding the threshold amount provided for
 783 | in s. 287.017 for CATEGORY ONE, finance and accounting
 784 | directors, personnel officers, or grants coordinators for any

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785 state agency.

786 6. Any person, other than a legislative assistant exempted
 787 by the presiding officer of the house by which the legislative
 788 assistant is employed, who is employed in the legislative branch
 789 of government, except persons employed in maintenance, clerical,
 790 secretarial, or similar positions.

791 7. Each employee of the Commission on Ethics.

792 (2) (a) A person seeking nomination or election to a state
 793 or local elective office shall file a statement of financial
 794 interests together with, and at the same time he or she files,
 795 qualifying papers. When a candidate has qualified for office
 796 prior to the deadline to file an annual statement of financial
 797 interests, the statement of financial interests that is filed
 798 with the candidate's qualifying papers shall be deemed to
 799 satisfy the annual disclosure requirement of this section. The
 800 qualifying officer must record that the statement of financial
 801 interests was timely filed. However, if a candidate does not
 802 qualify until after the annual statement of financial interests
 803 has been filed, the candidate may file a copy of his or her
 804 statement with the qualifying officer.

805 (3) The statement of financial interests for state
 806 officers, specified state employees, local officers, and persons
 807 seeking to qualify as candidates for state or local office shall
 808 be filed even if the reporting person holds no financial
 809 interests requiring disclosure, in which case the statement
 810 shall be marked "not applicable." Otherwise, the statement of
 811 financial interests shall include, at the filer's option,
 812 either:

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813 (a)1. All sources of income in excess of 5 percent of the
 814 gross income received during the disclosure period by the person
 815 in his or her own name or by any other person for his or her use
 816 or benefit, excluding public salary. However, this shall not be
 817 construed to require disclosure of a business partner's sources
 818 of income. The person reporting shall list such sources in
 819 descending order of value with the largest source first;

820 2. All sources of income to a business entity in excess of
 821 10 percent of the gross income of a business entity in which the
 822 reporting person held a material interest and from which he or
 823 she received an amount which was in excess of 10 percent of his
 824 or her gross income during the disclosure period and which
 825 exceeds \$1,500. The period for computing the gross income of the
 826 business entity is the fiscal year of the business entity which
 827 ended on, or immediately prior to, the end of the disclosure
 828 period of the person reporting;

829 3. The location or description of real property in this
 830 state, except for residences and vacation homes, owned directly
 831 or indirectly by the person reporting, when such person owns in
 832 excess of 5 percent of the value of such real property, and a
 833 general description of any intangible personal property worth in
 834 excess of 10 percent of such person's total assets. For the
 835 purposes of this paragraph, indirect ownership does not include
 836 ownership by a spouse or minor child; and

837 4. Every individual liability that equals more than the
 838 reporting person's net worth; or

839 (b)1. All sources of gross income in excess of \$2,500
 840 received during the disclosure period by the person in his or

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841 her own name or by any other person for his or her use or
 842 benefit, excluding public salary. However, this shall not be
 843 construed to require disclosure of a business partner's sources
 844 of income. The person reporting shall list such sources in
 845 descending order of value with the largest source first;

846 2. All sources of income to a business entity in excess of
 847 10 percent of the gross income of a business entity in which the
 848 reporting person held a material interest and from which he or
 849 she received gross income exceeding \$5,000 during the disclosure
 850 period. The period for computing the gross income of the
 851 business entity is the fiscal year of the business entity which
 852 ended on, or immediately prior to, the end of the disclosure
 853 period of the person reporting;

854 3. The location or description of real property in this
 855 state, except for residence and vacation homes, owned directly
 856 or indirectly by the person reporting, when such person owns in
 857 excess of 5 percent of the value of such real property, and a
 858 general description of any intangible personal property worth in
 859 excess of \$10,000. For the purpose of this paragraph, indirect
 860 ownership does not include ownership by a spouse or minor child;
 861 and

862 4. Every liability in excess of \$10,000.

863
 864 A person filing a statement of financial interests shall
 865 indicate on the statement whether he or she is using the method
 866 specified in paragraph (a) or paragraph (b) of this subsection.

867 (9) (a) The commission shall treat an amended statement of
 868 financial interests that is filed prior to September 1 of the

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869 current year as the original filing, regardless of whether a
 870 complaint has been filed. If a complaint pertaining to the
 871 current year alleges a failure to properly and accurately
 872 disclose any information required by this section or if a
 873 complaint filed pertaining to a previous reporting period within
 874 the preceding 5 years alleges a failure to properly and
 875 accurately disclose any information required to be disclosed by
 876 this section, the commission may immediately follow complaint
 877 procedures in s. 112.324. However, if a complaint filed after
 878 August 25 alleges an immaterial, inconsequential, or de minimis
 879 error or omission, the commission may not take any action on the
 880 complaint, other than notifying the filer of the complaint. The
 881 filer must be given 30 days to file an amended statement of
 882 financial interests correcting any errors. If the filer does not
 883 file an amended statement of financial interests within 30 days
 884 after the commission sends notice of the complaint, the
 885 commission may continue with proceedings pursuant to s. 112.324.

886 (b) For purposes of the final statement of financial
 887 interests, the commission shall treat a new final statement of
 888 financial interests, as the original filing, if filed within 60
 889 days of the original filing regardless of whether a complaint
 890 has been filed. If, more than 60 days after a final statement of
 891 financial interests is filed, a complaint is filed alleging a
 892 complete omission of any information required to be disclosed by
 893 this section, the commission may immediately follow the
 894 complaint procedures in s. 112.324. However, if the complaint
 895 alleges an immaterial, inconsequential, or de minimis error or
 896 omission, the commission may not take any action on the

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897 complaint other than notifying the filer of the complaint. The
 898 filer must be given 30 days to file a new final statement of
 899 financial interests correcting any errors. If the filer does not
 900 file a new final statement of financial interests within 30 days
 901 after the commission sends notice of the complaint, the
 902 commission may continue with proceedings pursuant to s. 112.324.

903 (c) For purposes of this section, an error or omission is
 904 immaterial, inconsequential, or de minimis if the original
 905 filing provided sufficient information for the public to
 906 identify potential conflicts of interest.

907 (10) (a) An individual required to file a disclosure
 908 pursuant to this section may have the disclosure prepared by an
 909 attorney in good standing with The Florida Bar or by a certified
 910 public accountant licensed under chapter 473. After preparing a
 911 disclosure form, the attorney or certified public accountant
 912 must sign the form indicating that he or she prepared the form
 913 in accordance with this section and the instructions for
 914 completing and filing the disclosure forms and that, upon his or
 915 her reasonable knowledge and belief, the disclosure is true and
 916 correct. If a complaint is filed alleging a failure to disclose
 917 information required by this section, the commission shall
 918 determine whether the information was disclosed to the attorney
 919 or certified public accountant. The failure of the attorney or
 920 certified public accountant to accurately transcribe information
 921 provided by the individual who is required to file the
 922 disclosure does not constitute a violation of this section.

923 (b) An elected officer or candidate who chooses to use an
 924 attorney or a certified public accountant to prepare his or her

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925 | disclosure may pay for the services of the attorney or certified
 926 | public accountant from funds in an office account created
 927 | pursuant to s. 106.141 or, during a year that the individual
 928 | qualifies for election to public office, the candidate's
 929 | campaign depository pursuant to s. 106.021.

930 | Section 10. Section 112.31455, Florida Statutes, is
 931 | created to read:

932 | 112.31455 Collection methods for unpaid automatic fines
 933 | for failure to timely file disclosure of financial interests.—

934 | (1) Before referring any unpaid fine accrued pursuant to
 935 | s. 112.3144(5) or s. 112.3145(6) to the Department of Financial
 936 | Services, the commission shall attempt to determine whether the
 937 | individual owing such a fine is a current public officer or
 938 | current public employee. If so, the commission may notify the
 939 | Chief Financial Officer or the governing body of the appropriate
 940 | county, municipality, or special district of the total amount of
 941 | any fine owed to the commission by such individual.

942 | (a) After receipt and verification of the notice from the
 943 | commission, the Chief Financial Officer or the governing body of
 944 | the county, municipality, or special district shall begin
 945 | withholding the lesser of 10 percent or the maximum amount
 946 | allowed under federal law from any salary-related payment. The
 947 | withheld payments shall be remitted to the commission until the
 948 | fine is satisfied.

949 | (b) The Chief Financial Officer or the governing body of
 950 | the county, municipality, or special district may retain an
 951 | amount of each withheld payment, as provided in s. 77.0305, to
 952 | cover the administrative costs incurred under this section.

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953 (2) If the commission determines that the individual who
 954 is the subject of an unpaid fine accrued pursuant to s.
 955 112.3144(5) or s. 112.3145(6) is no longer a public officer or
 956 public employee or if the commission is unable to determine
 957 whether the individual is a current public officer or public
 958 employee, the commission may, 6 months after the order becomes
 959 final, seek garnishment of any wages to satisfy the amount of
 960 the fine, or any unpaid portion thereof, pursuant to chapter 77.
 961 Upon recording the order imposing the fine with the clerk of the
 962 circuit court, the order shall be deemed a judgment for purposes
 963 of garnishment pursuant to chapter 77.

964 (3) The commission may refer unpaid fines to the
 965 appropriate collection agency, as directed by the Chief
 966 Financial Officer, to utilize any collection methods provided by
 967 law. Except as expressly limited by this section, any other
 968 collection methods authorized by law are allowed.

969 (4) Action may be taken to collect any unpaid fine imposed
 970 by ss. 112.3144 and 112.3145 within 20 years after the date the
 971 final order is rendered.

972 Section 11. Section 112.3147, Florida Statutes, is amended
 973 to read:

974 112.3147 Forms.—Except as otherwise provided, all
 975 information required to be furnished by ss. 112.313, 112.3143,
 976 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
 977 of the State Constitution shall be on forms prescribed by the
 978 Commission on Ethics.

979 Section 12. Paragraph (e) of subsection (2) of section
 980 112.3148, Florida Statutes, is amended and paragraph (f) is

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981 added to that subsection, and subsections (3) through (5) of
 982 that section are amended, to read:

983 112.3148 Reporting and prohibited receipt of gifts by
 984 individuals filing full or limited public disclosure of
 985 financial interests and by procurement employees.—

986 (2) As used in this section:

987 (e) "Procurement employee" means any employee of an
 988 officer, department, board, commission, ~~or~~ council, or agency of
 989 the executive branch or judicial branch of state government who
 990 has participated in the preceding 12 months ~~participates~~ through
 991 decision, approval, disapproval, recommendation, preparation of
 992 any part of a purchase request, influencing the content of any
 993 specification or procurement standard, rendering of advice,
 994 investigation, or auditing or in any other advisory capacity in
 995 the procurement of contractual services or commodities as
 996 defined in s. 287.012, if the cost of such services or
 997 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 998 any fiscal year.

999 (f) "Vendor" means a business entity doing business
 1000 directly with an agency, such as renting, leasing, or selling
 1001 any realty, goods, or services.

1002 (3) A reporting individual or procurement employee is
 1003 prohibited from soliciting any gift from a vendor doing business
 1004 with the reporting individual's or procurement employee's agency
 1005 or from a political committee or committee of continuous
 1006 existence, as defined in s. 106.011, or from a lobbyist who
 1007 lobbies the reporting individual's or procurement employee's
 1008 agency, or the partner, firm, employer, or principal of such

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1009 lobbyist, where such gift is for the personal benefit of the
 1010 reporting individual or procurement employee, another reporting
 1011 individual or procurement employee, or any member of the
 1012 immediate family of a reporting individual or procurement
 1013 employee.

1014 (4) A reporting individual or procurement employee or any
 1015 other person on his or her behalf is prohibited from knowingly
 1016 accepting, directly or indirectly, a gift from a vendor doing
 1017 business with the reporting individual's or procurement
 1018 employee's agency or from a political committee or committee of
 1019 continuous existence, as defined in s. 106.011, or from a
 1020 lobbyist who lobbies the reporting individual's or procurement
 1021 employee's agency, or directly or indirectly on behalf of the
 1022 partner, firm, employer, or principal of a lobbyist, if he or
 1023 she knows or reasonably believes that the gift has a value in
 1024 excess of \$100; however, such a gift may be accepted by such
 1025 person on behalf of a governmental entity or a charitable
 1026 organization. If the gift is accepted on behalf of a
 1027 governmental entity or charitable organization, the person
 1028 receiving the gift shall not maintain custody of the gift for
 1029 any period of time beyond that reasonably necessary to arrange
 1030 for the transfer of custody and ownership of the gift.

1031 (5) (a) A vendor doing business with the reporting
 1032 individual's or procurement employee's agency ~~A political~~
 1033 ~~committee or a committee of continuous existence, as defined in~~
 1034 ~~s. 106.011;~~ a lobbyist who lobbies a reporting individual's or
 1035 procurement employee's agency; the partner, firm, employer, or
 1036 principal of a lobbyist; or another on behalf of the lobbyist or

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1037 partner, firm, principal, or employer of the lobbyist is
 1038 prohibited from giving, either directly or indirectly, a gift
 1039 that has a value in excess of \$100 to the reporting individual
 1040 or procurement employee or any other person on his or her
 1041 behalf; however, such person may give a gift having a value in
 1042 excess of \$100 to a reporting individual or procurement employee
 1043 if the gift is intended to be transferred to a governmental
 1044 entity or a charitable organization.

1045 (b) However, a person who is regulated by this subsection,
 1046 who is not regulated by subsection (6), and who makes, or
 1047 directs another to make, an individual gift having a value in
 1048 excess of \$25, but not in excess of \$100, other than a gift that
 1049 the donor knows will be accepted on behalf of a governmental
 1050 entity or charitable organization, must file a report on the
 1051 last day of each calendar quarter for the previous calendar
 1052 quarter in which a reportable gift is made. The report shall be
 1053 filed with the Commission on Ethics, except with respect to
 1054 gifts to reporting individuals of the legislative branch, in
 1055 which case the report shall be filed with the Office of
 1056 Legislative Services. The report must contain a description of
 1057 each gift, the monetary value thereof, the name and address of
 1058 the person making such gift, the name and address of the
 1059 recipient of the gift, and the date such gift is given. In
 1060 addition, if a gift is made which requires the filing of a
 1061 report under this subsection, the donor must notify the intended
 1062 recipient at the time the gift is made that the donor, or
 1063 another on his or her behalf, will report the gift under this
 1064 subsection. Under this paragraph, a gift need not be reported by

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1065 | more than one person or entity.

1066 | Section 13. Paragraph (e) of subsection (1) of section
1067 | 112.3149, Florida Statutes, is amended, and paragraph (f) is
1068 | added to that subsection, and subsections (3) and (4) of that
1069 | section are amended, to read:

1070 | 112.3149 Solicitation and disclosure of honoraria.—

1071 | (1) As used in this section:

1072 | (e) "Procurement employee" means any employee of an
1073 | officer, department, board, commission, ~~or~~ council, or agency of
1074 | the executive branch or judicial branch of state government who
1075 | has participated in the preceding 12 months ~~participates~~ through
1076 | decision, approval, disapproval, recommendation, preparation of
1077 | any part of a purchase request, influencing the content of any
1078 | specification or procurement standard, rendering of advice,
1079 | investigation, or auditing or in any other advisory capacity in
1080 | the procurement of contractual services or commodities as
1081 | defined in s. 287.012, if the cost of such services or
1082 | commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1083 | (f) "Vendor" means a business entity doing business
1084 | directly with an agency, such as renting, leasing, or selling
1085 | any realty, goods, or services.

1086 | (3) A reporting individual or procurement employee is
1087 | prohibited from knowingly accepting an honorarium from a
1088 | political committee ~~or committee of continuous existence~~, as
1089 | defined in s. 106.011, from a vendor doing business with the
1090 | reporting individual's or procurement employee's agency, from a
1091 | lobbyist who lobbies the reporting individual's or procurement
1092 | employee's agency, or from the employer, principal, partner, or

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1093 | firm of such a lobbyist.

1094 | (4) A political committee ~~or committee of continuous~~

1095 | ~~existence~~, as defined in s. 106.011, a vendor doing business

1096 | with the reporting individual's or procurement employee's

1097 | agency, a lobbyist who lobbies a reporting individual's or

1098 | procurement employee's agency, or the employer, principal,

1099 | partner, or firm of such a lobbyist is prohibited from giving an

1100 | honorarium to a reporting individual or procurement employee.

1101 | Section 14. Section 112.317, Florida Statutes, is amended

1102 | to read:

1103 | 112.317 Penalties.—

1104 | (1) Any violation of ~~any provision of~~ this part,

1105 | including, but not limited to, ~~any~~ failure to file ~~any~~

1106 | disclosures required by this part or violation of any standard

1107 | of conduct imposed by this part, or any violation of ~~any~~

1108 | ~~provision of~~ s. 8, Art. II of the State Constitution, in

1109 | addition to any criminal penalty or other civil penalty

1110 | involved, ~~shall~~, under applicable constitutional and statutory

1111 | procedures, constitutes ~~constitute~~ grounds for, and may be

1112 | punished by, one or more of the following:

1113 | (a) In the case of a public officer:

1114 | 1. Impeachment.

1115 | 2. Removal from office.

1116 | 3. Suspension from office.

1117 | 4. Public censure and reprimand.

1118 | 5. Forfeiture of no more than one-third of his or her

1119 | salary per month for no more than 12 months.

1120 | 6. A civil penalty not to exceed \$10,000.

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1121 7. Restitution of any pecuniary benefits received because
 1122 of the violation committed. The commission may recommend that
 1123 the restitution penalty be paid to the agency of which the
 1124 public officer was a member or to the General Revenue Fund.

1125 (b) In the case of an employee or a person designated as a
 1126 public officer by this part who otherwise would be deemed to be
 1127 an employee:

1128 1. Dismissal from employment.

1129 2. Suspension from employment for not more than 90 days
 1130 without pay.

1131 3. Demotion.

1132 4. Reduction in his or her salary level.

1133 5. Forfeiture of no more than one-third salary per month
 1134 for no more than 12 months.

1135 6. A civil penalty not to exceed \$10,000.

1136 7. Restitution of any pecuniary benefits received because
 1137 of the violation committed. The commission may recommend that
 1138 the restitution penalty be paid to the agency by which the
 1139 public employee was employed, or of which the officer was deemed
 1140 to be an employee, or to the General Revenue Fund.

1141 8. Public censure and reprimand.

1142 (c) In the case of a candidate who violates ~~the provisions~~
 1143 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
 1144 Constitution:

1145 1. Disqualification from being on the ballot.

1146 2. Public censure.

1147 3. Reprimand.

1148 4. A civil penalty not to exceed \$10,000.

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1149 (d) In the case of a former public officer or employee who
 1150 has violated a provision applicable to former officers or
 1151 employees or whose violation occurred before the officer's or
 1152 employee's leaving public office or employment:

- 1153 1. Public censure and reprimand.
- 1154 2. A civil penalty not to exceed \$10,000.
- 1155 3. Restitution of any pecuniary benefits received because
 1156 of the violation committed. The commission may recommend that
 1157 the restitution penalty be paid to the agency of the public
 1158 officer or employee or to the General Revenue Fund.

1159 (e) In the case of a person who is subject to the
 1160 standards of this part, other than a lobbyist or lobbying firm
 1161 under s. 112.3215 for a violation of s. 112.3215, but who is not
 1162 a public officer or employee:

- 1163 1. Public censure and reprimand.
- 1164 2. A civil penalty not to exceed \$10,000.
- 1165 3. Restitution of any pecuniary benefits received because
 1166 of the violation committed. The commission may recommend that
 1167 the restitution penalty be paid to the agency of the person or
 1168 to the General Revenue Fund.

1169 (2) In any case in which the commission finds a violation
 1170 of this part or of s. 8, Art. II of the State Constitution and
 1171 the proper disciplinary official or body under s. 112.324
 1172 imposes a civil penalty or restitution penalty, the Attorney
 1173 General shall bring a civil action to recover such penalty. No
 1174 defense may be raised in the civil action to enforce the civil
 1175 penalty or order of restitution that could have been raised by
 1176 judicial review of the administrative findings and

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1177 | recommendations of the commission by certiorari to the district
 1178 | court of appeal. The Attorney General shall collect any costs,
 1179 | attorney's fees, expert witness fees, or other costs of
 1180 | collection incurred in bringing the action.

1181 | (3) The penalties prescribed in this part shall not be
 1182 | construed to limit or to conflict with:

1183 | (a) The power of either house of the Legislature to
 1184 | discipline its own members or impeach a public officer.

1185 | (b) The power of agencies to discipline officers or
 1186 | employees.

1187 | (4) Any violation of this part or of s. 8, Art. II of the
 1188 | State Constitution by a public officer constitutes ~~shall~~
 1189 | ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
 1190 | office within the meaning of s. 7, Art. IV of the State
 1191 | Constitution.

1192 | (5) By order of the Governor, upon recommendation of the
 1193 | commission, any elected municipal officer who violates ~~any~~
 1194 | ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
 1195 | Constitution may be suspended from office and the office filled
 1196 | by appointment for the period of suspension. The suspended
 1197 | officer may at any time before removal be reinstated by the
 1198 | Governor. The Senate may, in proceedings prescribed by law,
 1199 | remove from office, or reinstate, the suspended official, and
 1200 | for such purpose the Senate may be convened in special session
 1201 | by its President or by a majority of its membership.

1202 | (6) In any case in which the commission finds probable
 1203 | cause to believe that a complainant has committed perjury in
 1204 | regard to any document filed with, or any testimony given

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1205 | before, the commission, it shall refer such evidence to the
 1206 | appropriate law enforcement agency for prosecution and taxation
 1207 | of costs.

1208 | (7) In any case in which the commission determines that a
 1209 | person has filed a complaint against a public officer or
 1210 | employee with a malicious intent to injure the reputation of
 1211 | such officer or employee by filing the complaint with knowledge
 1212 | that the complaint contains one or more false allegations or
 1213 | with reckless disregard for whether the complaint contains false
 1214 | allegations of fact material to a violation of this part, the
 1215 | complainant shall be liable for costs plus reasonable attorney
 1216 | ~~attorney's~~ fees incurred in the defense of the person complained
 1217 | against, including the costs and reasonable attorney ~~attorney's~~
 1218 | fees incurred in proving entitlement to and the amount of costs
 1219 | and fees. If the complainant fails to pay such costs and fees
 1220 | voluntarily within 30 days following such finding by the
 1221 | commission, the commission shall forward such information to the
 1222 | Department of Legal Affairs, which shall bring a civil action in
 1223 | a court of competent jurisdiction to recover the amount of such
 1224 | costs and fees awarded by the commission.

1225 | Section 15. Paragraphs (a) and (c) of subsection (8) and
 1226 | subsection (10) of section 112.3215, Florida Statutes, are
 1227 | amended, present subsections (11) through (14) are renumbered as
 1228 | (12) through (15), respectively, and a new subsection (11) is
 1229 | added to that section to read:

1230 | 112.3215 Lobbying before the executive branch or the
 1231 | Constitution Revision Commission; registration and reporting;
 1232 | investigation by commission.—

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1233 (8) (a) The commission shall investigate every sworn
 1234 complaint that is filed with it alleging that a person covered
 1235 by this section has failed to register, has failed to submit a
 1236 compensation report, has made a prohibited expenditure, or has
 1237 knowingly submitted false information in any report or
 1238 registration required in this section.

1239 (c) The commission shall investigate any lobbying firm,
 1240 lobbyist, principal, agency, officer, or employee upon receipt
 1241 of information from a sworn complaint or from a random audit of
 1242 lobbying reports indicating a possible violation other than a
 1243 late-filed report.

1244 (10) If the Governor and Cabinet finds that a violation
 1245 occurred, it may reprimand the violator, censure the violator,
 1246 or prohibit the violator from lobbying all agencies for a period
 1247 not to exceed 2 years. If the violator is a lobbying firm,
 1248 lobbyist, or principal, the Governor and Cabinet may also assess
 1249 a fine of not more than \$5,000 to be deposited in the Executive
 1250 Branch Lobby Registration Trust Fund.

1251 (11) Any person who is required to be registered or to
 1252 provide information under this section or under rules adopted
 1253 pursuant to this section and who knowingly fails to disclose any
 1254 material fact that is required by this section or by rules
 1255 adopted pursuant to this section, or who knowingly provides
 1256 false information on any report required by this section or by
 1257 rules adopted pursuant to this section, commits a noncriminal
 1258 infraction, punishable by a fine not to exceed \$5,000. Such
 1259 penalty is in addition to any other penalty assessed by the
 1260 Governor and Cabinet pursuant to subsection (10).

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1261 Section 16. Section 112.324, Florida Statutes, is amended
 1262 to read:

1263 112.324 Procedures on complaints of violations and
 1264 referrals; public records and meeting exemptions.-

1265 (1) ~~Upon a written complaint executed on a form prescribed~~
 1266 ~~by the commission and signed under oath or affirmation by any~~
 1267 ~~person,~~ The commission shall investigate an ~~any~~ alleged
 1268 violation of this part or ~~any~~ other alleged breach of the public
 1269 trust within the jurisdiction of the commission as provided in
 1270 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
 1271 ~~procedures set forth herein.~~

1272 (a) Upon a written complaint executed on a form prescribed
 1273 by the commission and signed under oath of affirmation by any
 1274 person; or

1275 (b) Upon receipt of a written referral of a possible
 1276 violation of this part or other possible breach of the public
 1277 trust from the Governor, the Department of Law Enforcement, a
 1278 state attorney, or a United States Attorney which at least six
 1279 members of the commission determine is sufficient to indicate a
 1280 violation of this part or any other breach of the public trust.

1281
 1282 Within 5 days after receipt of a complaint by the commission or
 1283 a determination by at least six members of the commission that
 1284 the referral received is deemed sufficient, a copy shall be
 1285 transmitted to the alleged violator.

1286 (2) (a) The complaint and records relating to the complaint
 1287 or to any preliminary investigation held by the commission or
 1288 its agents, by a Commission on Ethics and Public Trust

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1289 established by any county defined in s. 125.011(1) or by any
 1290 municipality defined in s. 165.031, or by any county or
 1291 municipality that has established a local investigatory process
 1292 to enforce more stringent standards of conduct and disclosure
 1293 requirements as provided in s. 112.326 are confidential and
 1294 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1295 of the State Constitution.

1296 (b) Any proceeding conducted by the commission, a
 1297 Commission on Ethics and Public Trust, or a county or
 1298 municipality that has established such local investigatory
 1299 process, pursuant to a complaint or preliminary investigation,
 1300 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
 1301 the State Constitution, and s. 120.525.

1302 (c) The exemptions in paragraphs (a) and (b) apply until
 1303 the complaint is dismissed as legally insufficient, until the
 1304 alleged violator requests in writing that such records and
 1305 proceedings be made public, or until the commission, a
 1306 Commission on Ethics and Public Trust, or a county or
 1307 municipality that has established such local investigatory
 1308 process determines, based on such investigation, whether
 1309 probable cause exists to believe that a violation has occurred.
 1310 ~~In no event shall~~ A complaint or referral under this part
 1311 against a candidate in any general, special, or primary election
 1312 may not be filed nor may ~~or~~ any intention of filing such a
 1313 complaint or referral be disclosed on the day of any such
 1314 election or within the 30 ~~5~~ days immediately preceding the date
 1315 of the election, unless the complaint or referral is based upon
 1316 personal information or information other than hearsay.

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1317 (d) This subsection is subject to the Open Government
 1318 Sunset Review Act in accordance with s. 119.15 and shall stand
 1319 repealed on October 2, 2015, unless reviewed and saved from
 1320 repeal through reenactment by the Legislature.

1321 (3) A preliminary investigation shall be undertaken by the
 1322 commission of each legally sufficient complaint or referral over
 1323 which the commission has jurisdiction to determine whether there
 1324 is probable cause to believe that a violation has occurred. If,
 1325 upon completion of the preliminary investigation, the commission
 1326 finds no probable cause to believe that this part has been
 1327 violated or that any other breach of the public trust has been
 1328 committed, the commission shall dismiss the complaint or
 1329 referral with the issuance of a public report to the complainant
 1330 and the alleged violator, stating with particularity its reasons
 1331 for dismissal ~~of the complaint~~. At that time, the complaint or
 1332 referral and all materials relating to the complaint or referral
 1333 shall become a matter of public record. If the commission finds
 1334 from the preliminary investigation probable cause to believe
 1335 that this part has been violated or that any other breach of the
 1336 public trust has been committed, it shall so notify the
 1337 complainant and the alleged violator in writing. Such
 1338 notification and all documents made or received in the
 1339 disposition of the complaint or referral shall then become
 1340 public records. Upon request submitted to the commission in
 1341 writing, any person who the commission finds probable cause to
 1342 believe has violated any provision of this part or has committed
 1343 any other breach of the public trust shall be entitled to a
 1344 public hearing. Such person shall be deemed to have waived the

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1345 right to a public hearing if the request is not received within
 1346 14 days following the mailing of the probable cause notification
 1347 required by this subsection. However, the commission may on its
 1348 own motion, require a public hearing, may conduct such further
 1349 investigation as it deems necessary, and may enter into such
 1350 stipulations and settlements as it finds to be just and in the
 1351 best interest of the state. The commission is without
 1352 jurisdiction to, and no respondent may voluntarily or
 1353 involuntarily, enter into a stipulation or settlement which
 1354 imposes any penalty, including, but not limited to, a sanction
 1355 or admonition or any other penalty contained in s. 112.317.
 1356 Penalties shall be imposed only by the appropriate disciplinary
 1357 authority as designated in this section.

1358 (4) If, in cases pertaining to members of the Legislature,
 1359 upon completion of a full and final investigation by the
 1360 commission, the commission finds that there has been a violation
 1361 of this part or of any provision of s. 8, Art. II of the State
 1362 Constitution, the commission shall forward a copy of the
 1363 complaint or referral and its findings by certified mail to the
 1364 President of the Senate or the Speaker of the House of
 1365 Representatives, whichever is applicable, who shall refer the
 1366 complaint or referral to the appropriate committee for
 1367 investigation and action which shall be governed by the rules of
 1368 its respective house. It is ~~shall be~~ the duty of the committee
 1369 to report its final action upon the matter ~~complaint~~ to the
 1370 commission within 90 days of the date of transmittal to the
 1371 respective house. Upon request of the committee, the commission
 1372 shall submit a recommendation as to what penalty, if any, should

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1373 | be imposed. In the case of a member of the Legislature, the
 1374 | house in which the member serves has ~~shall have~~ the power to
 1375 | invoke the penalty provisions of this part.

1376 | (5) If, in cases ~~pertaining to complaints~~ against
 1377 | impeachable officers, upon completion of a full and final
 1378 | investigation by the commission, the commission finds that there
 1379 | has been a violation of this part or of any provision of s. 8,
 1380 | Art. II of the State Constitution, and the commission finds that
 1381 | the violation may constitute grounds for impeachment, the
 1382 | commission shall forward a copy of the complaint or referral and
 1383 | its findings by certified mail to the Speaker of the House of
 1384 | Representatives, who shall refer the complaint or referral to
 1385 | the appropriate committee for investigation and action which
 1386 | shall be governed by the rules of the House of Representatives.
 1387 | It is ~~shall be~~ the duty of the committee to report its final
 1388 | action upon the matter ~~complaint~~ to the commission within 90
 1389 | days of the date of transmittal.

1390 | (6) If the commission finds that there has been a
 1391 | violation of this part or of any provision of s. 8, Art. II of
 1392 | the State Constitution by an impeachable officer other than the
 1393 | Governor, and the commission recommends public censure and
 1394 | reprimand, forfeiture of a portion of the officer's salary, a
 1395 | civil penalty, or restitution, the commission shall report its
 1396 | findings and recommendation of disciplinary action to the
 1397 | Governor, who has ~~shall have~~ the power to invoke the penalty
 1398 | provisions of this part.

1399 | (7) If the commission finds that there has been a
 1400 | violation of this part or of any provision of s. 8, Art. II of

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1401 the State Constitution by the Governor, and the commission
 1402 recommends public censure and reprimand, forfeiture of a portion
 1403 of the Governor's salary, a civil penalty, or restitution, the
 1404 commission shall report its findings and recommendation of
 1405 disciplinary action to the Attorney General, who shall have the
 1406 power to invoke the penalty provisions of this part.

1407 (8) If, in cases ~~pertaining to complaints~~ other than
 1408 complaints or referrals against impeachable officers or members
 1409 of the Legislature, upon completion of a full and final
 1410 investigation by the commission, the commission finds that there
 1411 has been a violation of this part or of s. 8, Art. II of the
 1412 State Constitution, it is ~~shall be~~ the duty of the commission to
 1413 report its findings and recommend appropriate action to the
 1414 proper disciplinary official or body as follows, and such
 1415 official or body has ~~shall have~~ the power to invoke the penalty
 1416 provisions of this part, including the power to order the
 1417 appropriate elections official to remove a candidate from the
 1418 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
 1419 II of the State Constitution:

1420 (a) The President of the Senate and the Speaker of the
 1421 House of Representatives, jointly, in any case concerning the
 1422 Public Counsel, members of the Public Service Commission,
 1423 members of the Public Service Commission Nominating Council, the
 1424 Auditor General, or the director of the Office of Program Policy
 1425 Analysis and Government Accountability.

1426 (b) The Supreme Court, in any case concerning an employee
 1427 of the judicial branch.

1428 (c) The President of the Senate, in any case concerning an

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1429 employee of the Senate; the Speaker of the House of
 1430 Representatives, in any case concerning an employee of the House
 1431 of Representatives; or the President and the Speaker, jointly,
 1432 in any case concerning an employee of a committee of the
 1433 Legislature whose members are appointed solely by the President
 1434 and the Speaker or in any case concerning an employee of the
 1435 Public Counsel, Public Service Commission, Auditor General, or
 1436 Office of Program Policy Analysis and Government Accountability.

1437 (d) Except as otherwise provided by this part, the
 1438 Governor, in the case of any other public officer, public
 1439 employee, former public officer or public employee, candidate or
 1440 former candidate, or person who is not a public officer or
 1441 employee, other than lobbyists and lobbying firms under s.
 1442 112.3215 for violations of s. 112.3215.

1443 (e) The President of the Senate or the Speaker of the
 1444 House of Representatives, whichever is applicable, in any case
 1445 concerning a former member of the Legislature who has violated a
 1446 provision applicable to former members or whose violation
 1447 occurred while a member of the Legislature.

1448 (9) In addition to reporting its findings to the proper
 1449 disciplinary body or official, the commission shall report these
 1450 findings to the state attorney or any other appropriate official
 1451 or agency having authority to initiate prosecution when
 1452 violation of criminal law is indicated.

1453 (10) Notwithstanding the foregoing procedures of this
 1454 section, a sworn complaint against any member or employee of the
 1455 Commission on Ethics for violation of this part or of s. 8, Art.
 1456 II of the State Constitution shall be filed with the President

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1457 of the Senate and the Speaker of the House of Representatives.
 1458 Each presiding officer shall, after determining that there are
 1459 sufficient grounds for review, appoint three members of their
 1460 respective bodies to a special joint committee who shall
 1461 investigate the complaint. The members shall elect a chair from
 1462 among their number. If the special joint committee finds
 1463 insufficient evidence to establish probable cause to believe a
 1464 violation of this part or of s. 8, Art. II of the State
 1465 Constitution has occurred, it shall dismiss the complaint. If,
 1466 upon completion of its preliminary investigation, the committee
 1467 finds sufficient evidence to establish probable cause to believe
 1468 a violation has occurred, the chair thereof shall transmit such
 1469 findings to the Governor who shall convene a meeting of the
 1470 Governor, the President of the Senate, the Speaker of the House
 1471 of Representatives, and the Chief Justice of the Supreme Court
 1472 to take such final action on the complaint as they shall deem
 1473 appropriate, consistent with the penalty provisions of this
 1474 part. Upon request of a majority of the Governor, the President
 1475 of the Senate, the Speaker of the House of Representatives, and
 1476 the Chief Justice of the Supreme Court, the special joint
 1477 committee shall submit a recommendation as to what penalty, if
 1478 any, should be imposed.

1479 (11) (a) Notwithstanding subsections (1)-(8), the
 1480 commission may dismiss any complaint or referral at any stage of
 1481 disposition should it determine that the violation that is
 1482 alleged or has occurred is a de minimis violation attributable
 1483 to inadvertent or unintentional error. In determining whether a
 1484 violation was de minimis, the commission shall consider whether

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1485 | the interests of the public were protected despite the
 1486 | violation. This subsection does not apply to complaints or
 1487 | referrals pursuant to ss. 112.3144 and 112.3145.

1488 | (b) For the purposes of this subsection, a de minimis
 1489 | violation is any violation that is unintentional and not
 1490 | material in nature.

1491 | (12)-(11) Notwithstanding the provisions of subsections
 1492 | (1)-(8), the commission may, at its discretion, dismiss any
 1493 | complaint or referral at any stage of disposition should it
 1494 | determine that the public interest would not be served by
 1495 | proceeding further, in which case the commission shall issue a
 1496 | public report stating with particularity its reasons for the
 1497 | dismissal.

1498 | Section 17. For the purpose of incorporating the amendment
 1499 | made by this act to section 112.3143, Florida Statutes, in a
 1500 | reference thereto, subsection (1) of section 120.665, Florida
 1501 | Statutes, is reenacted to read:

1502 | 120.665 Disqualification of agency personnel.—

1503 | (1) Notwithstanding the provisions of s. 112.3143, any
 1504 | individual serving alone or with others as an agency head may be
 1505 | disqualified from serving in an agency proceeding for bias,
 1506 | prejudice, or interest when any party to the agency proceeding
 1507 | shows just cause by a suggestion filed within a reasonable
 1508 | period of time prior to the agency proceeding. If the
 1509 | disqualified individual was appointed, the appointing power may
 1510 | appoint a substitute to serve in the matter from which the
 1511 | individual is disqualified. If the individual is an elected
 1512 | official, the Governor may appoint a substitute to serve in the

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1513 matter from which the individual is disqualified. However, if a
 1514 quorum remains after the individual is disqualified, it shall
 1515 not be necessary to appoint a substitute.

1516 Section 18. For the purpose of incorporating the amendment
 1517 made by this act to section 112.3143, Florida Statutes, in a
 1518 reference thereto, section 286.012, Florida Statutes, is
 1519 reenacted to read:

1520 286.012 Voting requirement at meetings of governmental
 1521 bodies.—No member of any state, county, or municipal
 1522 governmental board, commission, or agency who is present at any
 1523 meeting of any such body at which an official decision, ruling,
 1524 or other official act is to be taken or adopted may abstain from
 1525 voting in regard to any such decision, ruling, or act; and a
 1526 vote shall be recorded or counted for each such member present,
 1527 except when, with respect to any such member, there is, or
 1528 appears to be, a possible conflict of interest under the
 1529 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
 1530 cases, said member shall comply with the disclosure requirements
 1531 of s. 112.3143.

1532 Section 19. For the purpose of incorporating the amendment
 1533 made by this act to section 112.324, Florida Statutes, in a
 1534 reference thereto, section 287.175, Florida Statutes, is
 1535 reenacted to read:

1536 287.175 Penalties.—A violation of this part or a rule
 1537 adopted hereunder, pursuant to applicable constitutional and
 1538 statutory procedures, constitutes misuse of public position as
 1539 defined in s. 112.313(6), and is punishable as provided in s.
 1540 112.317. The Chief Financial Officer shall report incidents of

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1541 suspected misuse to the Commission on Ethics, and the commission
 1542 shall investigate possible violations of this part or rules
 1543 adopted hereunder when reported by the Chief Financial Officer,
 1544 notwithstanding the provisions of s. 112.324. Any violation of
 1545 this part or a rule adopted hereunder shall be presumed to have
 1546 been committed with wrongful intent, but such presumption is
 1547 rebuttable. Nothing in this section is intended to deny rights
 1548 provided to career service employees by s. 110.227.

1549 Section 20. Paragraph (c) of subsection (1) of section
 1550 288.901, Florida Statutes, is amended to read:

1551 288.901 Enterprise Florida, Inc.—

1552 (1) CREATION.—

1553 (c) The Legislature determines that it is in the public
 1554 interest for the members of Enterprise Florida, Inc., board of
 1555 directors to be subject to the requirements of ss. 112.3135,
 1556 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
 1557 notwithstanding the fact that the board members are not public
 1558 officers or employees. For purposes of those sections, the board
 1559 members shall be considered to be public officers or employees.
 1560 The exemption set forth in s. 112.313(12) for advisory boards
 1561 applies to the members of Enterprise Florida, Inc., board of
 1562 directors. Further, each member of the board of directors who is
 1563 not otherwise required to file financial disclosures pursuant to
 1564 s. 8, Art. II of the State Constitution or s. 112.3144, shall
 1565 file disclosure of financial interests pursuant to s. 112.3145.

1566 Section 21. Subsection (1) of section 445.007, Florida
 1567 Statutes, is reenacted for the purpose of incorporating the
 1568 amendment made by this act to section 112.3143, Florida

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1569 Statutes, in a reference thereto, and subsection (11) of that
 1570 section is amended, to read:
 1571 445.007 Regional workforce boards.—
 1572 (1) One regional workforce board shall be appointed in
 1573 each designated service delivery area and shall serve as the
 1574 local workforce investment board pursuant to Pub. L. No. 105-
 1575 220. The membership of the board shall be consistent with Pub.
 1576 L. No. 105-220, Title I, s. 117(b) but may not exceed the
 1577 minimum membership required in Pub. L. No. 105-220, Title I, s.
 1578 117(b) (2) (A) and in this subsection. Upon approval by the
 1579 Governor, the chief elected official may appoint additional
 1580 members above the limit set by this subsection. If a public
 1581 education or training provider is represented on the board, a
 1582 representative of a private nonprofit provider and a
 1583 representative of a private for-profit provider must also be
 1584 appointed to the board. The board shall include one nonvoting
 1585 representative from a military installation if a military
 1586 installation is located within the region and the appropriate
 1587 military command or organization authorizes such representation.
 1588 It is the intent of the Legislature that membership of a
 1589 regional workforce board include persons who are current or
 1590 former recipients of welfare transition assistance as defined in
 1591 s. 445.002(2) or workforce services as provided in s. 445.009(1)
 1592 or that such persons be included as ex officio members of the
 1593 board or of committees organized by the board. The importance of
 1594 minority and gender representation shall be considered when
 1595 making appointments to the board. The board, its committees,
 1596 subcommittees, and subdivisions, and other units of the

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1597 workforce system, including units that may consist in whole or
 1598 in part of local governmental units, may use any method of
 1599 telecommunications to conduct meetings, including establishing a
 1600 quorum through telecommunications, provided that the public is
 1601 given proper notice of the telecommunications meeting and
 1602 reasonable access to observe and, when appropriate, participate.
 1603 Regional workforce boards are subject to chapters 119 and 286
 1604 and s. 24, Art. I of the State Constitution. If the regional
 1605 workforce board enters into a contract with an organization or
 1606 individual represented on the board of directors, the contract
 1607 must be approved by a two-thirds vote of the board, a quorum
 1608 having been established, and the board member who could benefit
 1609 financially from the transaction must abstain from voting on the
 1610 contract. A board member must disclose any such conflict in a
 1611 manner that is consistent with the procedures outlined in s.
 1612 112.3143. Each member of a regional workforce board who is not
 1613 otherwise required to file a full and public disclosure of
 1614 financial interests pursuant to s. 8, Art. II of the State
 1615 Constitution or s. 112.3144 shall file a statement of financial
 1616 interests pursuant to s. 112.3145. The executive director or
 1617 designated person responsible for the operational and
 1618 administrative functions of the regional workforce board who is
 1619 not otherwise required to file a full and public disclosure of
 1620 financial interests pursuant to s. 8, Art. II of the State
 1621 Constitution or s. 112.3144 shall file a statement of financial
 1622 interests pursuant to s. 112.3145.
 1623 (11) To increase transparency and accountability, a
 1624 regional workforce board must comply with the requirements of

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1625 | this section before contracting with a member of the board or a
 1626 | relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
 1627 | board member or of an employee of the board. Such contracts may
 1628 | not be executed before or without the approval of Workforce
 1629 | Florida, Inc. Such contracts, as well as documentation
 1630 | demonstrating adherence to this section as specified by
 1631 | Workforce Florida, Inc., must be submitted to the Department of
 1632 | Economic Opportunity for review and recommendation according to
 1633 | criteria to be determined by Workforce Florida, Inc. Such a
 1634 | contract must be approved by a two-thirds vote of the board, a
 1635 | quorum having been established; all conflicts of interest must
 1636 | be disclosed before the vote; and any member who may benefit
 1637 | from the contract, or whose relative may benefit from the
 1638 | contract, must abstain from the vote. A contract under \$25,000
 1639 | between a regional workforce board and a member of that board or
 1640 | between a relative, as defined in s. 112.3143(1)(c)
 1641 | ~~112.3143(1)(b)~~, of a board member or of an employee of the board
 1642 | is not required to have the prior approval of Workforce Florida,
 1643 | Inc., but must be approved by a two-thirds vote of the board, a
 1644 | quorum having been established, and must be reported to the
 1645 | Department of Economic Opportunity and Workforce Florida, Inc.,
 1646 | within 30 days after approval. If a contract cannot be approved
 1647 | by Workforce Florida, Inc., a review of the decision to
 1648 | disapprove the contract may be requested by the regional
 1649 | workforce board or other parties to the disapproved contract.

1650 | Section 22. For the purpose of incorporating the amendment
 1651 | made by this act to section 112.3143, Florida Statutes, in a
 1652 | reference thereto, paragraph (m) of subsection (5) of section

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1653 | 627.311, Florida Statutes, is reenacted to read:
 1654 | 627.311 Joint underwriters and joint reinsurers; public
 1655 | records and public meetings exemptions.—
 1656 | (5)
 1657 | (m) Senior managers and officers, as defined in the plan
 1658 | of operation, and members of the board of governors are subject
 1659 | to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
 1660 | 112.316, and 112.317. Senior managers, officers, and board
 1661 | members are also required to file such disclosures with the
 1662 | Commission on Ethics and the Office of Insurance Regulation. The
 1663 | executive director of the plan or his or her designee shall
 1664 | notify each newly appointed and existing appointed member of the
 1665 | board of governors, senior manager, and officer of his or her
 1666 | duty to comply with the reporting requirements of s. 112.3145.
 1667 | At least quarterly, the executive director of the plan or his or
 1668 | her designee shall submit to the Commission on Ethics a list of
 1669 | names of the senior managers, officers, and members of the board
 1670 | of governors who are subject to the public disclosure
 1671 | requirements under s. 112.3145. Notwithstanding s. 112.313, an
 1672 | employee, officer, owner, or director of an insurance agency,
 1673 | insurance company, or other insurance entity may be a member of
 1674 | the board of governors unless such employee, officer, owner, or
 1675 | director of an insurance agency, insurance company, other
 1676 | insurance entity, or an affiliate provides policy issuance,
 1677 | policy administration, underwriting, claims handling, or payroll
 1678 | audit services. Notwithstanding s. 112.3143, such board member
 1679 | may not participate in or vote on a matter if the insurance
 1680 | agency, insurance company, or other insurance entity would

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1681 obtain a special or unique benefit that would not apply to other
 1682 similarly situated insurance entities.

1683 Section 23. For the purpose of incorporating the amendment
 1684 made to this act to section 112.3143, Florida Statutes, in a
 1685 reference thereto, paragraph (d) of subsection (6) of section
 1686 627.351, Florida Statutes, is reenacted to read:

1687 627.351 Insurance risk apportionment plans.—

1688 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1689 (d)1. All prospective employees for senior management
 1690 positions, as defined by the plan of operation, are subject to
 1691 background checks as a prerequisite for employment. The office
 1692 shall conduct the background checks pursuant to ss. 624.34,
 1693 624.404(3), and 628.261.

1694 2. On or before July 1 of each year, employees of the
 1695 corporation must sign and submit a statement attesting that they
 1696 do not have a conflict of interest, as defined in part III of
 1697 chapter 112. As a condition of employment, all prospective
 1698 employees must sign and submit to the corporation a conflict-of-
 1699 interest statement.

1700 3. Senior managers and members of the board of governors
 1701 are subject to part III of chapter 112, including, but not
 1702 limited to, the code of ethics and public disclosure and
 1703 reporting of financial interests, pursuant to s. 112.3145.
 1704 Notwithstanding s. 112.3143(2), a board member may not vote on
 1705 any measure that would inure to his or her special private gain
 1706 or loss; that he or she knows would inure to the special private
 1707 gain or loss of any principal by whom he or she is retained or
 1708 to the parent organization or subsidiary of a corporate

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1709 principal by which he or she is retained, other than an agency
 1710 as defined in s. 112.312; or that he or she knows would inure to
 1711 the special private gain or loss of a relative or business
 1712 associate of the public officer. Before the vote is taken, such
 1713 member shall publicly state to the assembly the nature of his or
 1714 her interest in the matter from which he or she is abstaining
 1715 from voting and, within 15 days after the vote occurs, disclose
 1716 the nature of his or her interest as a public record in a
 1717 memorandum filed with the person responsible for recording the
 1718 minutes of the meeting, who shall incorporate the memorandum in
 1719 the minutes. Senior managers and board members are also required
 1720 to file such disclosures with the Commission on Ethics and the
 1721 Office of Insurance Regulation. The executive director of the
 1722 corporation or his or her designee shall notify each existing
 1723 and newly appointed member of the board of governors and senior
 1724 managers of their duty to comply with the reporting requirements
 1725 of part III of chapter 112. At least quarterly, the executive
 1726 director or his or her designee shall submit to the Commission
 1727 on Ethics a list of names of the senior managers and members of
 1728 the board of governors who are subject to the public disclosure
 1729 requirements under s. 112.3145.

1730 4. Notwithstanding s. 112.3148 or s. 112.3149, or any
 1731 other provision of law, an employee or board member may not
 1732 knowingly accept, directly or indirectly, any gift or
 1733 expenditure from a person or entity, or an employee or
 1734 representative of such person or entity, which has a contractual
 1735 relationship with the corporation or who is under consideration
 1736 for a contract. An employee or board member who fails to comply

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1737 | with subparagraph 3. or this subparagraph is subject to
 1738 | penalties provided under ss. 112.317 and 112.3173.

1739 | 5. Any senior manager of the corporation who is employed
 1740 | on or after January 1, 2007, regardless of the date of hire, who
 1741 | subsequently retires or terminates employment is prohibited from
 1742 | representing another person or entity before the corporation for
 1743 | 2 years after retirement or termination of employment from the
 1744 | corporation.

1745 | 6. Any senior manager of the corporation who is employed
 1746 | on or after January 1, 2007, regardless of the date of hire, who
 1747 | subsequently retires or terminates employment is prohibited from
 1748 | having any employment or contractual relationship for 2 years
 1749 | with an insurer that has entered into a take-out bonus agreement
 1750 | with the corporation.

1751 | Section 24. This act shall take effect upon becoming a
 1752 | law.