



Public Integrity & Ethics Committee

Thursday, January 12, 2017
12:00 p.m. – 2:00 p.m.

404 HOB

MEETING PACKET

Richard Corcoran
Speaker

Larry Metz
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Public Integrity & Ethics Committee

Start Date and Time: Thursday, January 12, 2017 12:00 pm

End Date and Time: Thursday, January 12, 2017 02:00 pm

Location: Sumner Hall (404 HOB)

Duration: 2.00 hrs

Workshop on the following:

PCB PIEC 17-01 State Officers Post-service Lobbying Prohibitions (DRAFT)

PCB PIEC 17-02 State Officers Post-service Lobbying Prohibitions (DRAFT)

PCB PIEC 17-03 Local Government Ethics Reform (DRAFT)

Ethics reform: Legislative employment restrictions during tenure in office and after vacation of office.

Draft bills for the workshops and draft staff analysis of each will be provided when available. Anyone desiring to be included in distribution of these documents before January 11, may contact the Committee office at 850-717-4881. All documents should be available online by close of business January 11.

NOTICE FINALIZED on 01/05/2017 4:01PM by Tully.Melissa



The Florida House of Representatives

Public Integrity & Ethics Committee

Richard Corcoran
Speaker

Larry Metz
Chair

Meeting Agenda **Thursday, January 12, 2017** **404 House Office Building (Sumner Hall)** **12:00 p.m. – 2:00 p.m.**

- **Call to Order**
- **Roll Call**
- **Welcome and Opening Remarks**
- **Workshop on DRAFT Committee Legislation**
 - Outline of current law regulating employment of present and former state legislators - Adam Tanenbaum, Office of the General Counsel**
 - > PCB PIEC 17-01 State Officers Post-service Lobbying Prohibitions (DRAFT)**
 - > PCB PIEC 17-02 State Officers Post-service Lobbying Prohibitions (DRAFT)**
 - > PCB PIEC 17-03 Local Government Ethics Reform (DRAFT)**
- **Workshop on legislative employment restrictions during tenure in office and after vacation of office**
- **Other Business**
- **Adjournment**

**Provisions covered in
Outline of current law
regulating employment of
present and former
state legislators**

Florida Constitution

Art II, section 8

Florida Statutes

Sec. 11.045, F.S.

Sec. 112.311, F.S.

Sec. 112.3125, F.S.

Sec. 112.313, F.S.

Sec. 112.3143, F.S.

Rules of the House

House Rule 15.3

House Rule 15.4

House Rule 15.5

House Rule 15.7

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

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

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(h) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

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

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

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

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

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

History.—Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) “Committee” means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) “Compensation” means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(c) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term does not include:

1. Contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

2. A public-legislative use, which is the use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist pursuant to this section.

(d) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter that may be the subject of action by, either house of the Legislature or any committee thereof.

(e) “Lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(f) “Lobbying firm” means any business entity, including an individual contract lobbyist, which receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(h) “Office” means the Office of Legislative Services.

(i) “Principal” means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the Office of Legislative Services.

(c) A registrant shall promptly send a written statement to the office canceling the registration for a principal upon termination of the lobbyist's representation of that principal. However, the office may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by legislative subpoena of either house of the Legislature, and the subpoena may be enforced in circuit court.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide the following reporting requirements by rule:

(a)1. Each lobbying firm shall file a compensation report with the office for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report must include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report must also include the:

a. Full name, business address, and telephone number of the principal; and

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(b) For each principal represented by more than one lobbying firm, the office shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements must be filed by electronic means as provided in s. [11.0455](#).

(d) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbying firm that fails to timely file a report shall be notified and assessed fines. The rule must provide the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being

assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

- a. When a report is actually received by the lobbyist registration and reporting office.
- b. When the electronic receipt issued pursuant to s. [11.0455](#) is dated.

3. Such fine must be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine may not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request must be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the office shall promptly notify all affected principals of any suspension or reinstatement.

8. The person designated to review the timeliness of reports shall notify the coordinator of the office of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

(4)(a) Notwithstanding s. [112.3148](#), s. [112.3149](#), or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any expenditure, except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session.

(b) No person shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(5) Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6) Each house of the Legislature shall provide by rule for keeping all advisory opinions of the committees relating to lobbying firms, lobbyists, and lobbying activities. The rule shall also provide that each house keep a current list of registered lobbyists along with reports required of lobbying firms under this section, all of which shall be open for public inspection.

(7) Each house of the Legislature shall provide by rule that a committee of either house investigate any person upon receipt of a sworn complaint alleging a violation of this section, s. [112.3148](#), or s. [112.3149](#) by such person; also, the rule shall provide that a committee of either house investigate any lobbying firm upon receipt of audit information indicating a possible violation other than a late-filed report. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. [112.3148](#), or s. [112.3149](#), it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (7).

(9) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyists lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

History.—s. 1, ch. 78-268; s. 1, ch. 90-502; s. 1, ch. 91-292; s. 2, ch. 93-121; s. 1, ch. 96-203; s. 1, ch. 98-136; s. 2, ch. 2000-122; s. 1, ch. 2000-232; ss. 1, 2, ch. 2005-359; s. 11, ch. 2006-275; ss. 27, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 1, ch. 2012-51; s. 1, ch. 2015-28.

112.311 Legislative intent and declaration of policy.—

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History.—s. 1, ch. 67-469; s. 1, ch. 69-335; s. 1, ch. 74-177; s. 2, ch. 75-208; s. 698, ch. 95-147.

112.3125 Dual public employment.—

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

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

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

(a) The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer’s interest in such position;

(b) The position was publicly advertised;

(c) The public officer was subject to the same application and hiring process as other candidates for the position; and

(d) The public officer meets or exceeds the required qualifications for the position.

(4) A person who was employed by the state or any of its political subdivisions before qualifying as a public officer for his or her current term of office or the next available term of office may continue his or her employment. However, he or she may not accept promotion, advancement, additional compensation, or anything of value that he or she knows, or with the exercise of reasonable care should know, is provided or given as a result of his or her election or position, or that is otherwise inconsistent with the promotion, advancement, additional compensation, or anything of value provided or given an employee who is similarly situated.

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

History.—s. 2, ch. 2013-36.

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

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. [104.31](#).

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee

of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

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

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

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. [110.402](#) or any person holding a position in the Selected Exempt Service as defined in s. [110.602](#) or any person having authority over policy or procurement employed by the Department of the Lottery.

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

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

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

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

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

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

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

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

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. [112.3215](#).

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

5. Any person violating this paragraph shall be subject to the penalties provided in s. [112.317](#) and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

- a. A person employed by the Legislature or other agency prior to July 1, 1989;
- b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
- c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
- d. A person who has reached normal retirement age as defined in s. [121.021\(29\)](#), and who has retired under the provisions of chapter 121 by July 1, 1991; or
- e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or

authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public

board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. [1004.22](#) or s. [1004.23](#) and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and
2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. [112.3143](#).

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. [11.045](#).

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217; s. 16, ch. 2011-34; s. 3, ch. 2013-36.

112.3143 Voting conflicts.—

(1) As used in this section:

(a) “Principal by whom retained” means an individual or entity, other than an agency as defined in s. [112.312\(2\)](#), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(b) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer’s special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. [112.312\(2\)](#); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

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

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. [112.312\(2\)](#); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting

and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. [163.356](#) or s. [163.357](#), or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

(6) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.—s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2; s. 6, ch. 2013-36.

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RULE FIFTEEN—ETHICS AND CONDUCT OF MEMBERS

15.1—Legislative Ethics and Official Conduct
 Legislative office is a trust to be performed with integrity in the public interest. A member is respectful of the confidence placed in the member by the other members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the member by the House. To this end, each member shall be accountable to the House for violations of this rule or any provision of the House Code of Conduct contained in Rules 15.1-15.7.

15.2—The Integrity of the House
 A member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

15.3—Improper Influence; Solicitation of Campaign Contributions
 (a) A member may neither solicit nor accept anything that

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2170 reasonably may be construed to improperly influence the member's
 2171 official act, decision, or vote.

2172 (b) A member may not fly on an aircraft that is a private
 2173 conveyance owned, leased, or procured by a lobbyist, a lobbying
 2174 firm, or a principal, regardless of whether the member pays for
 2175 the flight.

2176 (c) A member may neither solicit nor accept any campaign
 2177 contribution during the 60-day regular legislative session or
 2178 any extended or special session on the member's own behalf, on
 2179 behalf of a political party, on behalf of any organization with
 2180 respect to which the member's solicitation is regulated under s.
 2181 106.0701, Florida Statutes, or on behalf of a candidate for the
 2182 House of Representatives; however, a member may contribute to
 2183 the member's own campaign.

2184
 2185 15.4—Ethics; Conflicting Employment

2186 A member shall:

2187 (a) Scrupulously comply with the requirements of all laws
 2188 related to the ethics of public officers.

2189 (b) Not allow personal employment to impair the member's
 2190 independence of judgment in the exercise of official duties.

2191 (c) Not directly or indirectly receive or agree to receive
 2192 any compensation for any services rendered or to be rendered
 2193 either by the member or any other person when such activity is
 2194 in substantial conflict with the duties of a member of the

2195 House.

2196 (d) Upon acceptance of any new employment with any entity
 2197 that receives state funds directly by appropriation or from any
 2198 public employer, file with the Public Integrity & Ethics
 2199 Committee a written statement disclosing the employer, position,
 2200 and salary. Such disclosure must be filed prior to the effective
 2201 date of the change, or within 30 days after acceptance thereof,
 2202 whichever is earlier.

2203 (e) Not accept any compensation to lobby any local
 2204 government or governmental agency, except for the provision of
 2205 licensed professional services under circumstances that require
 2206 registration as a lobbyist.

2207

2208 15.5-Use of Official Position

2209 A member may not corruptly use or attempt to use the member's
 2210 official position or any property or resource which may be
 2211 within the member's trust in a manner contrary to the trust or
 2212 authority placed in the member, either by the public or by other
 2213 members, for the purpose of securing a special privilege,
 2214 benefit, or exemption for the member or for others. A member may
 2215 not solicit or accept an employment offer or investment advice
 2216 arising out of legislative activities or political activities
 2217 engaged in while he or she is a member of, or candidate for, the
 2218 House. A member may not enter into any investment, joint
 2219 venture, or other profitmaking relationship with or advised by a

2220 lobbyist or principal, except that a member may buy or sell
 2221 listed, publicly traded securities of a principal unless in
 2222 violation of Rule 15.6. For purposes of this rule, "investment,
 2223 joint venture, or other profitmaking relationship" does not
 2224 include an employment relationship or professional partnership
 2225 or similar venture engaging the professional services of the
 2226 member.

2227

2228 15.6—Use of Information Obtained by Reason of Official Position

2229 A member may engage in business and professional activity in
 2230 competition with others but may not use or provide to others,
 2231 for the member's personal gain or benefit or for the personal
 2232 gain or benefit of any other person or business entity, any
 2233 information that has been obtained by reason of the member's
 2234 official capacity as a member and that is unavailable to members
 2235 of the public as a matter of law. A member may not use any
 2236 nonpublic information obtained by reason of the member's
 2237 legislative activities for the purpose of buying or selling any
 2238 investment or to otherwise create income for the member or any
 2239 other person.

2240

2241 15.7—Representation of Another Before a State Agency

2242 A member may not personally represent another person or entity
 2243 for compensation before any state agency other than a judicial
 2244 tribunal. For the purposes of this rule, "state agency" means

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PIEC 17-01 Proposing amendment to Section 8, Article II, State Constitution, extending prohibition on officers lobbying former agencies from 2 to 6 years.

SPONSOR(S): Public Integrity & Ethics Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee		Kiner	Rubottom

SUMMARY ANALYSIS

The Florida constitution and general law place post-service employment restrictions on legislators, statewide elected officers, and appointed state officers. These restrictions prohibit these individuals from personally representing another person or entity for compensation before their former government body or agency. These restrictions are typically characterized as post-service lobbying bans and are in effect for two years following vacation of office. Additionally, legislators are prohibited from lobbying the executive branch for two years following vacation of office and from personally representing another person or entity for compensation during term of office before any state agency, other than judicial tribunals.

The joint resolution proposes an amendment to the Florida constitution to extend the current constitutional prohibition on legislators and statewide elected officers personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office from two years. The joint resolution also proposes to subject appointed state officers to the same prohibition, and extend the prohibition on legislators providing personal representation for compensation before any state agency (other than judicial tribunals) to six years following vacation of office from two years.

If passed by the Legislature, the joint resolution will be submitted to the electorate for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

The joint resolution impacts state funds to the extent the cost of placing the constitutional amendment on the ballot must be administered by the Department of State. The Department of State has not yet provided a fiscal analysis of such cost.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The Florida Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Constitution prohibits legislators and statewide elected officers from personally representing¹ another person or entity for compensation before their former government body or agency for a period of two years following vacation of office.² This constitutional provision also prohibits legislators from personally representing another person or entity for compensation during term of office before any state agency³, other than judicial tribunals.⁴ The constitutional provision is codified in state statute as part of Florida's Code of Ethics for Public Officers and Employees (Code).⁵

In addition to these constitutional prohibitions, the Legislature has passed general law Code provisions that prohibit appointed state officers⁶ from representing another person or entity for compensation before their former government body or agency for a period of two years following vacation of office, and legislators from acting as lobbyists for compensation before an executive branch agency, agency official, or employee, for two years following vacation of office.⁷

The Florida Commission on Ethics (Commission) is the independent body charged with receiving and investigating sworn complaints involving Florida's constitutional and statutory ethics provisions.⁸ While the Commission receives and investigates sworn complaints, the Commission does not have the authority to impose punishment for an ethics violation.⁹ Instead, whenever the Commission finds probable cause exists that an ethics violation has occurred, the Commission is required to submit its findings, along with a recommended penalty, to the statutorily designated official who may impose punishment.¹⁰

The Commission must make such submission to the Senate President or Speaker of the House, whichever is applicable, in any case concerning a former legislator who is alleged to have violated a provision applicable to former legislators or whose alleged conduct occurred during term of office.¹¹ In the case of a former statewide elected officer or appointed state officer, the Commission is required to make such submission to the Governor.¹²

A former legislator, statewide elected officer, or appointed state officer, that violates one of Florida's constitutional ethics provisions or a provision of the Code may be subject to one or more of the following civil penalties:

¹ Pursuant to s. 112.312(22), the term 'represent' or 'representation' means "actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client."

² Art. II, s. 8, Fla. Const.

³ Pursuant to s. 112.313(9), F.S., the term 'state agency' means "an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control."

⁴ Id.

⁵ S. 112.313(9), F.S.

⁶ Pursuant to s. 112.313(9), F.S., the term 'appointed state officer' means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

⁷ S. 112.313(9), F.S.

⁸ Art. II, s. 8(f) and (i)(3), Fla. Const., and s. 112.322(1), F.S.

⁹ S. 112.324(3), F.S.

¹⁰ S. 112.324(4)-(9), F.S.

¹¹ S. 112.324(8)(e), F.S.

¹² S. 112.324(8)(d), F.S.

- Public censure and reprimand
- Civil penalty up to \$10,000
- Restitution¹³ any pecuniary benefits received because of the violation committed

Pursuant to statute, in any case in which a civil penalty or restitution is imposed, the Attorney General is required to bring a civil action to recover such penalty.¹⁴

Effect of Proposed Changes

The joint resolution proposes an amendment to the Florida constitution to extend the current constitutional prohibition on legislators and statewide elected officers personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office from two years. The joint resolution also proposes to subject appointed state officers to the same prohibition, and extend the prohibition on legislators providing personal representation for compensation before any state agency (other than judicial tribunals) to six years following vacation of office from two years.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The Florida Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

B. SECTION DIRECTORY:

As this piece of legislation is a joint resolution proposing a constitutional amendment, it does not contain bill sections. The joint resolution proposes to amend art. II, s. 8(e) of the state constitution, to extend the prohibition on legislators and elected statewide officers from lobbying their former government body or agency to six years following vacation of office from two years, to prohibit legislators lobbying the executive branch for six years following vacation of office, and to prohibit appointed state officers from lobbying their former government body or agency for six years following vacation of office.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the state constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately before the week the election is held. The Department of State has not provided a fiscal analysis on the cost associated with publishing the constitutional amendment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹³ Pursuant to s. 112.317(1)(d), F.S., the Commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

¹⁴ S. 112.317(2), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Article XI, s. 1 of the state constitution, provides for proposed changes to the constitution by the Legislature:

SECTION 1: Proposal by legislature. – Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the Legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

If passed by the Legislature, the proposed amendment must be submitted to the electors at the next general election held more than 90 days after the joint resolution is filed with the custodian of state records. Submission of a proposed amendment at an earlier special election requires the affirmative vote of three-fourths of the membership of each house of the Legislature and is limited to a single amendment or revision.¹⁵ The proposed amendment must be published, once in the tenth week and once in the sixth week immediately preceding the week of the election, in one newspaper of general circulation in each county where a newspaper is published.¹⁶

Sixty percent voter approval is required for a proposed constitutional amendment to pass.¹⁷ A proposed amendment or revision approved by the requisite vote of the electors is effective as an amendment to or revision of the state constitution on the first Tuesday after the first Monday in January following the election.¹⁸

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹⁵ Art. XI, s. 5(a), Fla. Const.

¹⁶ Art. XI, s. 5(d), Fla. Const.

¹⁷ Art. XI, s. 5(e), Fla. Const.

¹⁸ Art. XI, s. 5(e), Fla. Const.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

House Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article II of the State Constitution to extend the prohibition on legislators and statewide elected officers from personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office from two years, to subject appointed state officers to the same prohibition, and to prohibit legislators from personally representing another person or entity for compensation before any state agency other than judicial tribunals for six years following vacation of office.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 8 of Article II of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 8. Ethics in government.—A public office is a

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26 public trust. The people shall have the right to secure and
 27 sustain that trust against abuse. To assure this right:

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

32 (b) All elected public officers and candidates for such
 33 offices shall file full and public disclosure of their campaign
 34 finances.

35 (c) Any public officer or employee who breaches the public
 36 trust for private gain and any person or entity inducing such
 37 breach shall be liable to the state for all financial benefits
 38 obtained by such actions. The manner of recovery and additional
 39 damages may be provided by law.

40 (d) Any public officer or employee who is convicted of a
 41 felony involving a breach of public trust shall be subject to
 42 forfeiture of rights and privileges under a public retirement
 43 system or pension plan in such manner as may be provided by law.

44 (e) No member of the legislature, appointed state officer,
 45 or statewide elected officer shall personally represent another
 46 person or entity for compensation before the government body or
 47 agency of which the individual was an officer or member for a
 48 period of ~~two~~ six years following vacation of office. No member
 49 of the legislature shall personally represent another person or
 50 entity for compensation during term of office, or for a period

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51 of six years following vacation of office, before any state
 52 agency other than judicial tribunals. Similar restrictions on
 53 other public officers and employees may be established by law.

54 (f) There shall be an independent commission to conduct
 55 investigations and make public reports on all complaints
 56 concerning breach of public trust by public officers or
 57 employees not within the jurisdiction of the judicial
 58 qualifications commission.

59 (g) A code of ethics for all state employees and
 60 nonjudicial officers prohibiting conflict between public duty
 61 and private interests shall be prescribed by law.

62 (h) This section shall not be construed to limit
 63 disclosures and prohibitions which may be established by law to
 64 preserve the public trust and avoid conflicts between public
 65 duties and private interests.

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

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

73 a. A copy of the person's most recent federal income tax
 74 return; or

75 b. A sworn statement which identifies each separate source

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76 and amount of income which exceeds \$1,000. The forms for such
 77 source disclosure and the rules under which they are to be filed
 78 shall be prescribed by the independent commission established in
 79 subsection (f), and such rules shall include disclosure of
 80 secondary sources of income.

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

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

86

87 BE IT FURTHER RESOLVED that the following statement be
 88 placed on the ballot:

89

CONSTITUTIONAL AMENDMENT

90

ARTICLE II, SECTION 8

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BALLOT TITLE.-- Proposing an amendment to the State
 Constitution to extend the prohibition on legislators and
 statewide elected officers providing personal representation
 before their former government body or agency to six years, from
 two years, following vacation of office, to impose the same
 prohibition on appointed state officers not presently subject to
 a prohibition, and to prohibit legislators from providing
 personal representation before any state agency other than
 judicial tribunals for six years following vacation of office.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PIEC 17-02 Extending prohibition on officers lobbying former agencies from 2 to 6 years.

SPONSOR(S): Public Integrity & Ethics Committee

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee		Kiner	Rubottom

SUMMARY ANALYSIS

The Florida constitution and general law place post-service employment restrictions on legislators, statewide elected officers, and appointed state officers. These restrictions prohibit these individuals from personally representing another person or entity for compensation before their former government body or agency. These restrictions are typically characterized as post-service lobbying bans and are in effect for two years following vacation of office. Additionally, legislators are prohibited from lobbying the executive branch for two years following vacation of office and from personally representing another person or entity for compensation during term of office before any state agency, other than judicial tribunals.

The bill amends general law to extend the current prohibition on legislators, statewide elected officers, and appointed state officers, personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office from two years.

The bill also amends general law to extend the prohibition on legislators lobbying the executive branch to six years following vacation of office from two years.

The bill does not have a fiscal impact on the state or local governments.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Constitution prohibits legislators and statewide elected officers from personally representing¹ another person or entity for compensation before their former body for a period of two years following vacation of office.² This constitutional provision also prohibits legislators from personally representing another person or entity for compensation during term of office before any state agency³, other than judicial tribunals.⁴ The constitutional provision is codified in state statute as part of Florida's Code of Ethics for Public Officers and Employees (Code).⁵

In addition to these constitutional prohibitions, the Legislature has passed general law Code provisions that prohibit appointed state officers from representing another person or entity for compensation before their former government body or agency for a period of two years following vacation of office, and legislators from acting as lobbyists for compensation before an executive branch agency, agency official, or employee.⁶

The Florida Commission on Ethics (Commission) is the independent body charged with receiving and investigating sworn complaints involving Florida's constitutional ethics provisions, as well as any other violation of Florida's Code of Ethics for Public Officers and Employees.⁷ While the Commission receives and investigates sworn complaints, the Commission does not have the authority to impose punishment for an ethics violation.⁸ Instead, whenever the Commission finds probable cause exists that an ethics violation has occurred, the Commission is required to submit its findings, along with a recommended penalty, to the statutorily designated official who may impose punishment.⁹

The Commission must make such submission to the Senate President or Speaker of the House, whichever is applicable, in any case concerning a former legislator who is alleged to have violated a provision applicable to former legislators or whose alleged conduct occurred while a member of the Legislature.¹⁰ In the case of a former statewide elected officer or appointed state officer, the Commission is required to make such submission to the Governor.¹¹

A former legislator, statewide elected officer, or appointed state officer, that violates one of Florida's constitutional ethics provisions or a provision of the Code may be subject to one or more of the following civil penalties:

- Public censure and reprimand
- Civil penalty up to \$10,000

¹ Pursuant to s. 112.312(22), the term 'represent' or 'representation' means "actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client."

² Art. II, s. 8, Fla. Const.

³ Pursuant to s. 112.313(9), F.S., the term 'state agency' means "an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control."

⁴ *Id.*

⁵ S. 112.313(9), F.S.

⁶ S. 112.313(9), F.S.

⁷ Art. II, s. 8(f) and (i)(3), Fla. Const., and s. 112.322(1), F.S.

⁸ S. 112.324(3), F.S.

⁹ S. 112.324(4)-(9), F.S.

¹⁰ S. 112.324(8)(e), F.S.

¹¹ S. 112.324(8)(d), F.S.

- Restitution¹² any pecuniary benefits received because of the violation committed

Pursuant to statute, in any case in which a civil penalty or restitution is imposed, the Attorney General is required to bring a civil action to recover such penalty.¹³

Effect of Proposed Changes

The bill amends general law to extend the current prohibition on legislators, statewide elected officers, and appointed state officers, representing another person or entity for compensation before their former government body or agency to six years following vacation of office from two years.

The bill also amends general law to extend the prohibition on legislators lobbying the executive branch to six years following vacation of office from two years.

B. SECTION DIRECTORY:

Section 1 amends s. 112.313, F.S., relating to postemployment restrictions and standards of conduct for legislators and legislative employees.

Section 2 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

¹² Pursuant to s. 112.317(1)(d), F.S., the Commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

¹³ S. 112.317(2), F.S.

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to state officer post-service lobbying
 3 prohibitions; amending s. 112.313, F.S.; extending the
 4 prohibition on legislators, elected statewide
 5 officers, and appointed state officers, from lobbying
 6 their former government body or agency to six years
 7 from two years following vacation of office; extending
 8 the prohibition on legislators lobbying the executive
 9 branch to six years from two years following vacation
 10 of office; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (9) of section 112.313, Florida
 15 Statutes, is amended to read:

16 112.313 Standards of conduct for public officers,
 17 employees of agencies, and local government attorneys.—

18 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 19 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

20 (a)1. It is the intent of the Legislature to implement by
 21 statute the provisions of s. 8(e), Art. II of the State
 22 Constitution relating to legislators, statewide elected
 23 officers, appointed state officers, and designated public
 24 employees.

25 2. As used in this paragraph:

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26 a. "Employee" means:

27 (I) Any person employed in the executive or legislative
28 branch of government holding a position in the Senior Management
29 Service as defined in s. 110.402 or any person holding a
30 position in the Selected Exempt Service as defined in s. 110.602
31 or any person having authority over policy or procurement
32 employed by the Department of the Lottery.

33 (II) The Auditor General, the director of the Office of
34 Program Policy Analysis and Government Accountability, the
35 Sergeant at Arms and Secretary of the Senate, and the Sergeant
36 at Arms and Clerk of the House of Representatives.

37 (III) The executive director and deputy executive director
38 of the Commission on Ethics.

39 (IV) An executive director, staff director, or deputy
40 staff director of each joint committee, standing committee, or
41 select committee of the Legislature; an executive director,
42 staff director, executive assistant, analyst, or attorney of the
43 Office of the President of the Senate, the Office of the Speaker
44 of the House of Representatives, the Senate Majority Party
45 Office, Senate Minority Party Office, House Majority Party
46 Office, or House Minority Party Office; or any person, hired on
47 a contractual basis, having the power normally conferred upon
48 such persons, by whatever title.

49 (V) The Chancellor and Vice Chancellors of the State
50 University System; the general counsel to the Board of Governors

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51 of the State University System; and the president, provost, vice
52 presidents, and deans of each state university.

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

56 b. "Appointed state officer" means any member of an
57 appointive board, commission, committee, council, or authority
58 of the executive or legislative branch of state government whose
59 powers, jurisdiction, and authority are not solely advisory and
60 include the final determination or adjudication of any personal
61 or property rights, duties, or obligations, other than those
62 relative to its internal operations.

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

66 3.a. No member of the Legislature, appointed state
67 officer, or statewide elected officer shall personally represent
68 another person or entity for compensation before the government
69 body or agency of which the individual was an officer or member
70 for a period of ~~2~~ 6 years following vacation of office. No
71 member of the Legislature shall personally represent another
72 person or entity for compensation during his or her term of
73 office before any state agency other than judicial tribunals or
74 in settlement negotiations after the filing of a lawsuit.

75 b. For a period of ~~2~~ 6 years following vacation of office,

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76 a former member of the Legislature may not act as a lobbyist for
 77 compensation before an executive branch agency, agency official,
 78 or employee. The terms used in this sub-subparagraph have the
 79 same meanings as provided in s. 112.3215.

80 4. An agency employee, including an agency employee who
 81 was employed on July 1, 2001, in a Career Service System
 82 position that was transferred to the Selected Exempt Service
 83 System under chapter 2001-43, Laws of Florida, may not
 84 personally represent another person or entity for compensation
 85 before the agency with which he or she was employed for a period
 86 of 2 years following vacation of position, unless employed by
 87 another agency of state government.

88 5. Any person violating this paragraph shall be subject to
 89 the penalties provided in s. 112.317 and a civil penalty of an
 90 amount equal to the compensation which the person receives for
 91 the prohibited conduct.

92 6. This paragraph is not applicable to:

93 a. A person employed by the Legislature or other agency
 94 prior to July 1, 1989;

95 b. A person who was employed by the Legislature or other
 96 agency on July 1, 1989, whether or not the person was a defined
 97 employee on July 1, 1989;

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

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

104 e. Any appointed state officer whose term of office began
 105 before January 1, 1995, unless reappointed to that office on or
 106 after January 1, 1995.

107 (b) In addition to the provisions of this part which are
 108 applicable to legislators and legislative employees by virtue of
 109 their being public officers or employees, the conduct of members
 110 of the Legislature and legislative employees shall be governed
 111 by the ethical standards provided in the respective rules of the
 112 Senate or House of Representatives which are not in conflict
 113 herewith.

114 Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PIEC 17-03 Local Government Ethics Reform
SPONSOR(S): Public Integrity & Ethics Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee		Kiner	Rubottom

SUMMARY ANALYSIS

The bill makes numerous changes to Florida's Code of Ethics for Public Officers and Employees (Code) as it relates to local government officers and employees. Specifically, the bill creates or amends ethics provisions related to the following:

- Requires elected municipal officers that receive certain forms of compensation, and candidates for such offices, to file a full and public disclosure of their financial interests in lieu of the less detailed form of disclosure required under current law;
- Corrects an oversight with respect to the Code's prohibition on conflicting employment or contractual relationships;
- Requires elected special district governing board members to annually complete four hours of ethics training, a requirement that mirrors the current law requirement that applies to constitutional officers and elected municipal officers;
- Strengthens the law on voting conflicts of interest by requiring a county officer, municipal officer, or other local public officer, that must abstain from voting on a measure from also lobbying or advocating, for or against, or participating in the measure;
- Adds school districts to the list of governmental entities that may withhold salary-related payments for failure to timely file disclosure of financial interests;
- Requires a person who wishes to lobby certain local governmental entities to register as a lobbyist with that entity prior to lobbying, and requires the entity to make the lobbyist registration available to the public;
- Expands the Commission on Ethics's duty to render advisory opinions.

The bill may have an indeterminate fiscal impact on the state, local governments, and the private sector.

The bill has an effective date of October 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Code of Ethics for Public Officers and Employees (Code) is set forth in part III, chapter 112, F.S. Foremost among the goals of the Code of Ethics is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.¹ While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.²

The Code contains provisions that establish standards for the conduct of elected and appointed officials and government employees related, but not limited to, the following:

- Prohibited actions or conduct – including prohibitions on the solicitation or acceptance of gifts, unauthorized compensation, misuse of public position, disclosure or use of certain information, solicitation or acceptance of honoraria;
- Prohibited employment and business relationships – including prohibitions on dual public employment, doing business with one's agency, as well as conflicting employment or contractual relationships;
- Misuse of public position;
- Anti-nepotism;
- Post-office holding/post-employment restrictions;
- Voting conflicts of interest;
- Ethics training; and
- Financial disclosure.

These Code provisions apply not only to officials and employees of state entities but generally to county and municipal officials and employees.

Full and Public Disclosure of Financial Interests (Sections 1, 5, and 6)

Present Situation

The Florida Constitution requires all elected constitutional officers, candidates for such offices, and statewide elected officers, to file a full and public disclosure of their financial interests.³ Other public officers, candidates, and public employees, may be required to file a full and public disclosure of their financial interests as determined by law.⁴

Pursuant to the constitution, 'full and public disclosure of financial interests' means the reporting individual must disclose his or her net worth and the value of each asset and liability in excess of \$1,000.⁵ The disclosure must be accompanied with either a sworn statement with this information or a copy of the reporting individual's most recent federal income tax return.⁶

¹ S. 112.311(1), F.S.

² S. 112.311(4), F.S.

³ FLA CONST., art. II, ss. 8(a) and 8(i)(2).

⁴ FLA CONST., art. II, s. 8(a)

⁵ FLA. CONST., art. II, s. 8(i)(1), (2).

⁶ *Id.*

Pursuant to general law, the Florida Commission on Ethics (Commission) has prescribed FORM 6 to be used to make the required full and public financial disclosure.⁷

According to the Commission, and as articulated on the form, individuals holding the following positions must file FORM 6: governor; lieutenant governor; cabinet members; legislators; state attorneys; public defenders; clerks of circuit courts; sheriffs; tax collectors; property appraisers; supervisors of elections; county commissioners; elected superintendents of schools; district school board members; Jacksonville City Council members (including mayor); compensation claims judges; Duval County superintendent of schools; Florida Housing Finance Corporation Board members; Florida Prepaid College Board members; and each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to Chapter 348 or 343, F.S., or any other general law.

Reporting individuals are required to file FORM 6 annually with the Commission by July 1. Additionally, candidates for a constitutional office are required to make a full and public disclosure of their financial interests at the time of qualifying.⁸

While elected municipal officers may have similar authority and spending power as county commissioners and other public officers that are required to file FORM 6, state law only requires elected municipal officers to file FORM 1, which is a less detailed form of financial disclosure.⁹ Elected municipal officers, and candidates for such office, must file this form at the time of qualifying and annually by July 1.

Effect of Proposed Changes

The bill requires all elected municipal officers who receive any salary, payment, stipend, or other financial remuneration, excluding retirement and health benefits, to file the more detailed Form 6 annually, beginning with the 2017 filing year.

The bill also requires a candidate for an elected municipal office which offers compensation is provided to file a Form 6 with his or her qualifying papers.

Conflicting Employment or Contractual Relationship (Section 2)

Present Situation

The Code of Ethics for Public Officers and Employees (Code) prohibits a public officer or agency employee from having an employment or contractual relationship with a business entity or agency that is subject to the regulation of, or is doing business with, his or her agency.¹⁰ The law further prohibits a public officer or agency employee from having an employment or a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.¹¹

In its annual reports to the Legislature for the past several years, the Florida Commission on Ethics (Commission) has recommended the law be amended. Specifically, the Commission has advised that, under the law, a public officer or agency employee may create a fictitious legal

⁷ S. 112.3144(5), F.S.

⁸ S. 99.061, F.S.

⁹ S. 112.3145, F.S.

¹⁰ S. 112.313(7), F.S.

¹¹ *Id.*

entity and subsequently use the entity to enter into an employment or contractual relationship that would be prohibited if the public officer or agency employee acted as an individual.¹²

Effect of Proposed Changes

The bill provides that if a public officer or employee of an agency holds a controlling interest in a business entity or is an officer, a director, or a member who manages such an entity, contractual relationships held by the business entity are deemed to be held by the public officer or employee. As such, if a public officer or employee holds a material interest in a business entity other than a publicly traded entity, or is an officer, a director, or a member who manages such an entity, it would be a violation for the business entity to have a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. The public officer or employee would face penalties ranging from censure and reprimand to removal from office. The penalties also permit a civil fine up to \$10,000 per violation.

Mandatory Annual Ethics Training (Section 3)

Present Situation

Current Florida law requires constitutional officers and elected municipal officers to annually complete four hours of ethics training that, at a minimum, addresses s. 8, Art. II of the state constitution, the Code of Ethics for Public Officers and Employees (Code), and the Florida law on public records and public meetings.¹³

Pursuant to the Code, the term 'constitutional officer' includes the following officers: the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.¹⁴

Each officer that is subject to the annual ethics training requirement must certify on his or her disclosure of financial interests reporting form that he or she has completed the required training.¹⁵ However, the Commission does not collect any information on the provider(s) of such training.

Although special district governing board members are covered by the Code's provisions, state law does not require these individuals to receive annual ethics training.

Effect of Proposed Changes

The bill requires elected special district governing board members to receive annual ethics training which, at a minimum, addresses s. 8, Art. II of the state constitution, the Code of Ethics for Public Officers and Employees (Code), and the Florida law on public records and public meetings.

The bill also requires each officer subject to the annual ethics training requirement to provide information on the identity and qualifications of the training provider.

¹² Florida Commission on Ethics 2017 Legislative Proposals.

¹³ S. 112.3142, F.S.

¹⁴ Id.

¹⁵ SS. 112.3144(1) and 112.3145(4), F.S.

Voting Conflicts of Interest (Section 4)

Present Situation

Florida law prohibits a county officer, municipal officer, or other local public officer, from voting on any measure that would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer.¹⁶

In such cases, the officer is required, prior to the vote being taken, to publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

While the law prohibits the officer from voting on the measure, the officer is not prohibited from participating in the debate on the measure or lobbying for or against the measure.

Pursuant to current law, the term 'public officer' includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

Effect of Proposed Changes

The bill prohibits a county officer, municipal officer, or other local public officer, that must abstain from voting on a measure from also lobbying or advocating, for or against, or participating in the measure. Additionally, the bill requires certain public officers who are not required to abstain from voting on a measure to disclose the conflict prior to the vote being taken.

Collection Methods for Unpaid Financial Disclosure Fines (Section 7)

Present Situation

The Code of Ethics for Public Officers and Employees (Code) authorizes the Commission on Ethics (Commission) to withhold wages and seek garnishment in order to collect unpaid financial disclosure fines.¹⁷ Prior to referring such a fine to the Department of Financial Services (DFS), the Commission must attempt to determine whether the filer is a current public officer or employee.¹⁸ If the person is currently a public officer or employee, the Commission may notify the Chief Financial Officer (CFO) or the governing body of the appropriate county, municipality, or special district of the total amount of the fine owed to the Commission by the individual. After receipt and verification of the notice from the Commission, the CFO or the appropriate governing body is required to begin withholding the lesser of ten percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments must be remitted to the Commission until the fine is satisfied. Additionally, the CFO or appropriate governing body may retain an amount from each withheld payment to cover administrative costs incurred to comply with these requirements. In the event that the Commission determines the individual owing a fine is no longer a public officer or employee or if the Commission is unable to make such a determination, the Commission must wait for six months after the order becomes final. After that period of time, the Commission may seek garnishment. Additionally, the Commission may refer the unpaid fine to a collection agency.¹⁹ The collection agency may utilize any

¹⁶ S. 112.3143, F.S.

¹⁷ S. 112.31455, F.S.

¹⁸ S. 112.31455(1), F.S.

¹⁹ S. 112.31455(3), F.S.

collection methods provided by law. The statute of limitations for an unpaid financial disclosure fine is 20 years.²⁰

Effect of Proposed Changes

The bill expressly requires school districts to withhold public salary-related payments after receiving notice from the Commission that an employee has an unpaid fine, including a portion to cover any administrative costs incurred by the school district to comply with the requirement.

Lobbying Before Governmental Entities (Section 8)

Present Situation

Florida law requires a person who seeks to lobby a water management district (WMD) to register with the WMD as a lobbyist before he or she begins to lobby.²¹ Upon registration, the lobbyist must present a signed statement authorizing him or her to act on the principal's behalf. The statement must state the principal's main business. Any changes to this information must be reported within 15 days. WMDs may create their own lobbyist registration forms or use a legislative or executive branch lobbyist registration form. WMDs are required to be diligent in ascertaining whether lobbyists have properly registered and may not knowingly allow a lobbyist to lobby if he or she is not registered. The COE is charged with investigating complaints alleging that a lobbyist has failed to register or has provided false information in a report or registration. The Governor has the authority to enforce the COE's findings and recommendations. WMDs are authorized to adopt rules and establish procedures to govern lobbyist registration, including the adoption of forms and the establishment of a lobbyist registration fee, not to exceed \$40 per principal represented.

Effect of Proposed Changes

The bill expands the lobbyist registration and reporting requirements to require a person who wishes to lobby before a hospital district, children's services district, expressway authority, port authority, a county or municipality or school district that has not adopted lobbyist registration and reporting requirements, or an independent special district with annual revenues of more than \$5 million that exercise ad valorem taxing authority, to first register as a lobbyist with that entity. The governmental entity's form must be modeled after the legislative branch or executive branch lobbyist registration form. The bill requires each entity to make each lobbyist registration available to the public. If the entity maintains a website, a database of currently registered lobbyists and principals must be made available on the entity's website. To assist in the administration of the program, the bill retains the current law authorization for a registration fee, up to \$40 per principal represented.

Commission on Ethics Advisory Opinions (Section 9)

Present Situation

Florida law requires the Commission on Ethics (Commission) to render a binding advisory opinion to any public officer, candidate for public office, or public employee, in doubt about the applicability and interpretation of the state constitution's ethics provisions or the provisions of the Code of Ethics for Public Officers and Public Employees (Code) to himself or herself in a particular context.²²

Effect of Proposed Changes

²⁰ S. 112.31455(4), F.S.

²¹ S. 112.3261, F.S.

²² S. 112.322(3), F.S.

The bill expands the Commission's duty to render advisory opinions to include the new provisions and changes to current law made by the bill.

B. SECTION DIRECTORY:

Section 1 amends s. 99.061, F.S., relating to the method of qualifying for nomination or election to federal, state, county, or district office.

Section 2 amends s. 112.313, F.S., relating to standards of conduct for public officers, employees of agencies, and local government attorneys.

Section 3 amends s. 112.3142, F.S., relating to ethics training for specified constitutional officers and elected municipal officers.

Section 4 amends s. 112.3143, F.S., relating to voting conflicts.

Section 5 amends s. 112.3144, F.S., relating to full and public disclosure of financial interests.

Section 6 provides that certain changes made by the act apply to disclosures filed for the 2017 calendar year and all subsequent calendar years.

Section 7 amends s. 112.31455, F.S., relating to collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.

Section 8 amends s. 112.3261, F.S., relating to lobbying before certain government entities.

Section 9 expands the Commission on Ethics's duty to render advisory opinions.

Section 10 specifies that the act fulfills an important state interest.

Section 11 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires elected municipal officers that receive certain forms of compensation to file FORM 6 in lieu of the currently required FORM 1. The expense to the Commission on Ethics associated with mailing these individuals FORM 6 instead of FORM 1 is indeterminate, but may likely be *de minimis* or have no fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill requires certain governmental entities to administer a lobbyist registration and reporting program. However, the bill authorizes these entities to establish an annual lobbyist registration fee, up to \$40 for each principal represented. The amount of revenue the authorized lobbyist registration fee will generate for these entities is unknown.

2. Expenditures:

The bill requires certain governmental entities to administer a lobbyist registration and reporting program. However, the bill authorizes these entities to establish an annual lobbyist registration fee, up to \$40 for each principal represented. The extent to which the cost of establishing such a registration system may be offset by the authorized fee is unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill's provisions require a person who wishes to lobby before a hospital district, children's services district, expressway authority, port authority, a county or municipality or school district that has not adopted lobbyist registration and reporting requirements, or an independent special district with annual revenues of more than \$5 million that exercise ad valorem taxing authority, to first register as a lobbyist with that entity. The bill also authorizes the applicable local governmental entity to establish an annual lobbyist registration fee, up to \$40 for each principal represented. The extent to which a lobbyist or lobbying firm will pass the registration costs on to principals, some of which may be private sector entities, is unknown.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires county and municipal governments to establish and maintain specified internal controls. An exemption may apply if the bill results in an insignificant fiscal impact to county or municipal governments. An exception also may apply because similarly situated persons are all required to comply and the bill specifies that it serves an important state interest.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes certain, specified local governmental entities to adopt rules to establish procedures to govern the registration of lobbyists, including the adoption of forms and the establishment of a lobbyist registration fee.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to local government ethics reform;
 3 amending s. 99.061; conforming provisions and cross-
 4 references to changes made by the act; amending s.
 5 112.313, F.S.; specifying that prohibitions on
 6 conflicting employment or contractual relationships
 7 for public officers or employees of an agency apply to
 8 contractual relationships held by certain business
 9 entities; providing that specified contractual
 10 relationships are not prohibited or deemed a conflict
 11 of interest for certain purposes; amending s.
 12 112.3142, F.S.; expanded the annual ethics training
 13 requirement to include elected special district
 14 officers; amending s. 112.3143, F.S.; requiring local
 15 public officers who must refrain from voting on
 16 measures in which they have a conflict of interest to
 17 refrain from lobbying, advocating, or participating,
 18 in the measure before the vote is taken; amending s.
 19 112.3144, F.S.; requiring certain elected municipal
 20 officers to file a full and public disclosure of
 21 financial interests; providing for applicability;
 22 amending s. 112.31455, F.S.; revising provisions
 23 governing collection methods for unpaid automatic
 24 fines for failure to timely file disclosure of

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25 financial interests to include school districts;
 26 amending s. 112.3261, F.S.; revising terms to conform
 27 to changes made by the act; expanding the types of
 28 governmental entities that are subject to lobbyist
 29 registration requirements; requiring a governmental
 30 entity to create a lobbyist registration form;
 31 requiring the Commission on Ethics to render advisory
 32 opinions under certain conditions; declaring that the
 33 act fulfills an important state interest; providing an
 34 effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. Subsection (5) of section 99.061, Florida
 39 Statutes, is amended to read:

40 99.061 Method of qualifying for nomination or election to
 41 federal, state, county, or district office.—

42 (5) At the time of qualifying for office, each candidate
 43 for an elected municipal office that offers any salary, payment,
 44 stipend, or other financial remuneration, excluding retirement
 45 and health insurance benefits, or a constitutional office shall
 46 file a full and public disclosure of financial interests
 47 pursuant to s. 8, Art. II of the State Constitution, which must
 48 be verified under oath or affirmation pursuant to s.

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49 92.525(1)(a), and a candidate for any other office, ~~including~~
 50 ~~local elective office,~~ shall file a statement of financial
 51 interests pursuant to s. 112.3145.

52 Section 2. Subsection (7) of section 112.313, Florida
 53 Statutes, is amended to read:

54 112.313 Standards of conduct for public officers,
 55 employees of agencies, and local government attorneys.—

56 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

57 (a) A ~~No~~ public officer or employee of an agency may not
 58 ~~shall~~ have or hold any employment or contractual relationship
 59 with any business entity or any agency that ~~which~~ is subject to
 60 the regulation of, or is doing business with, an agency of which
 61 he or she is an officer or employee, excluding those
 62 organizations and their officers who, when acting in their
 63 official capacity, enter into or negotiate a collective
 64 bargaining contract with the state or any municipality, county,
 65 or other political subdivision of the state; and ~~nor shall~~ an
 66 officer or employee of an agency may not have or hold any
 67 employment or contractual relationship that will create a
 68 continuing or frequently recurring conflict between his or her
 69 private interests and the performance of his or her public
 70 duties or that would impede the full and faithful discharge of
 71 his or her public duties. For purposes of this subsection, if a
 72 public officer or employee of an agency holds a material

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73 interest in a business entity other than a publicly traded
 74 entity, or is an officer, a director, or a member who manages
 75 such an entity, contractual relationships held by the business
 76 entity are deemed to be held by the public officer or employee.

77 1. When the agency referred to is a ~~that certain kind of~~
 78 special tax district created by general or special law and is
 79 limited specifically to constructing, maintaining, managing, and
 80 financing improvements in the land area over which the agency
 81 has jurisdiction, or when the agency has been organized pursuant
 82 to chapter 298, ~~then~~ employment with, or entering into a
 83 contractual relationship with, such a business entity by a
 84 public officer or employee of such an agency is ~~shall~~ not be
 85 prohibited by this subsection or ~~be~~ deemed a conflict per se.
 86 However, conduct by such officer or employee that is prohibited
 87 by, or otherwise frustrates the intent of, this section must
 88 ~~shall~~ be deemed a conflict of interest in violation of the
 89 standards of conduct set forth by this section.

90 2. When the agency referred to is a legislative body and
 91 the regulatory power over the business entity resides in another
 92 agency, or when the regulatory power that ~~which~~ the legislative
 93 body exercises over the business entity or agency is strictly
 94 through the enactment of laws or ordinances, ~~then~~ employment or
 95 a contractual relationship with such a business entity by a
 96 public officer or employee of a legislative body is ~~shall~~ not be

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97 prohibited by this subsection or ~~be~~ deemed a conflict.

98 (b) This subsection does ~~shall~~ not prohibit a public
 99 officer or employee from practicing in a particular profession
 100 or occupation when such practice by persons holding such public
 101 office or employment is required or permitted by law or
 102 ordinance.

103 Section 3. Subsection (2) of section 112.3142, Florida
 104 Statutes, is amended to read:

105 112.3142 Ethics training for specified constitutional
 106 officers and elected municipal officers.—

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

115 (b) ~~Beginning January 1, 2015,~~ All elected municipal
 116 officers and elected members of the governing board of a special
 117 district must complete 4 hours of ethics training each calendar
 118 year which addresses, at a minimum, s. 8, Art. II of the State
 119 Constitution, the Code of Ethics for Public Officers and
 120 Employees, and the public records and public meetings laws of

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121 this state. This requirement may be satisfied by completion of a
 122 continuing legal education class or other continuing
 123 professional education class, seminar, or presentation if the
 124 required subjects are covered.

125 (c) The commission shall adopt rules establishing minimum
 126 course content for the portion of an ethics training class which
 127 addresses s. 8, Art. II of the State Constitution and the Code
 128 of Ethics for Public Officers and Employees.

129 (d) The commission shall collect information on the
 130 identity and qualifications of the ethics training provider from
 131 each constitutional officer, elected municipal officer, and each
 132 elected member of the governing board of a special district,
 133 that is required to complete annual ethics training.

134 (e) The Legislature intends that a constitutional officer
 135 or elected municipal officer who is required to complete ethics
 136 training pursuant to this section receive the required training
 137 as close as possible to the date that he or she assumes office.
 138 A constitutional officer or elected municipal officer assuming a
 139 new office or new term of office on or before March 31 must
 140 complete the annual training on or before December 31 of the
 141 year in which the term of office began. A constitutional officer
 142 or elected municipal officer assuming a new office or new term
 143 of office after March 31 is not required to complete ethics
 144 training for the calendar year in which the term of office

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145 began.

146 Section 4. Subsections (1), (3) and (4) of section
 147 112.3143, Florida Statutes, are amended to read:

148 112.3143 Voting conflicts.—

149 (1) As used in this section:

150 (e) "Participate" means any attempt to influence the
 151 decision by oral or written communication, whether made by the
 152 officer or at the officer's direction.

153 (2) (a) A state public officer may not vote on any matter
 154 that the officer knows would inure to his or her special private
 155 gain or loss. Any state public officer who abstains from voting
 156 in an official capacity upon any measure that the officer knows
 157 would inure to the officer's special private gain or loss, or
 158 who votes in an official capacity on a measure that he or she
 159 knows would inure to the special private gain or loss of any
 160 principal by whom the officer is retained or to the parent
 161 organization or subsidiary of a corporate principal by which the
 162 officer is retained other than an agency as defined in s.
 163 112.312(2); or which the officer knows would inure to the
 164 special private gain or loss of a relative or business associate
 165 of the public officer, shall make every reasonable effort to
 166 disclose the nature of his or her interest as a public record in
 167 a memorandum filed with the person responsible for recording the
 168 minutes of the meeting, who shall incorporate the memorandum in

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169 the minutes. If it is not possible for the state public officer
 170 to file a memorandum before the vote, the memorandum must be
 171 filed with the person responsible for recording the minutes of
 172 the meeting no later than 15 days after the vote.

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

177 (3) (a) No county, municipal, or other local public
 178 officer, or governing board member of a special district or
 179 school district, shall may lobby or advocate, for or against,
 180 participate in, or vote in an official capacity upon any measure
 181 which would inure to his or her special private gain or loss;
 182 which he or she knows would inure to the special private gain or
 183 loss of any principal by whom he or she is retained or to the
 184 parent organization or subsidiary of a corporate principal by
 185 which he or she is retained, other than an agency as defined in
 186 s. 112.312(2); or which he or she knows would inure to the
 187 special private gain or loss of a relative or business associate
 188 of the public officer. Such public officer shall, prior to the
 189 vote being taken, publicly state to the assembly the nature of
 190 the officer's interest in the matter from which he or she is
 191 abstaining from voting and, within 15 days after the vote
 192 occurs, disclose the nature of his or her interest as a public

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193 record in a memorandum filed with the person responsible for
 194 recording the minutes of the meeting, who shall incorporate the
 195 memorandum in the minutes.

196 (b) However, a commissioner of a community redevelopment
 197 agency created or designated pursuant to s. 163.356 or s.
 198 163.357, or an officer of an independent special tax district
 199 elected on a one-acre, one-vote basis, is not prohibited from
 200 voting, when voting in said capacity, but such commissioner or
 201 officer must disclose the nature of such interest in the matter
 202 prior to the vote being taken. The head of the agency or
 203 district may determine the manner in which such disclosure shall
 204 be made.

205 (4) (a) No appointed public officer shall participate in
 206 any matter which would inure to the officer's special private
 207 gain or loss; which the officer knows would inure to the special
 208 private gain or loss of any principal by whom he or she is
 209 retained or to the parent organization or subsidiary of a
 210 corporate principal by which he or she is retained; or which he
 211 or she knows would inure to the special private gain or loss of
 212 a relative or business associate of the public officer, without
 213 first disclosing the nature of his or her interest in the
 214 matter.

215 ~~(a)~~ (b) Such disclosure, indicating the nature of the
 216 conflict, shall be made in a written memorandum filed with the

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217 person responsible for recording the minutes of the meeting,
 218 prior to the meeting in which consideration of the matter will
 219 take place, and shall be incorporated into the minutes. Any such
 220 memorandum shall become a public record upon filing, shall
 221 immediately be provided to the other members of the agency, and
 222 shall be read publicly at the next meeting held subsequent to
 223 the filing of this written memorandum.

224 ~~(b) In the event that disclosure has not been made prior~~
 225 ~~to the meeting or that any conflict is unknown prior to the~~
 226 ~~meeting, the disclosure shall be made orally at the meeting when~~
 227 ~~it becomes known that a conflict exists. A written memorandum~~
 228 ~~disclosing the nature of the conflict shall then be filed within~~
 229 ~~15 days after the oral disclosure with the person responsible~~
 230 ~~for recording the minutes of the meeting and shall be~~
 231 ~~incorporated into the minutes of the meeting at which the oral~~
 232 ~~disclosure was made. Any such memorandum shall become a public~~
 233 ~~record upon filing, shall immediately be provided to the other~~
 234 ~~members of the agency, and shall be read publicly at the next~~
 235 ~~meeting held subsequent to the filing of this written~~
 236 ~~memorandum.~~

237 ~~(c) For purposes of this subsection, the term~~
 238 ~~"participate" means any attempt to influence the decision by~~
 239 ~~oral or written communication, whether made by the officer or at~~
 240 ~~the officer's direction.~~

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241 Section 5. Subsections (1) and (2) of section 112.3144,
 242 Florida Statutes, are amended to read:

243 112.3144 Full and public disclosure of financial
 244 interests.-

245 (1) In addition to officers specified in s. 8, Art. II of
 246 the State Constitution or other state law, all elected municipal
 247 officers who receive any salary, payment, stipend, or other
 248 financial remuneration, excluding retirement and health
 249 insurance benefits, as a result of their service are required to
 250 file a full and public disclosure of their financial interests.

251 ~~An officer who is required by s. 8, Art. II of the State~~
 252 ~~Constitution~~ to file a full and public disclosure of ~~his or her~~
 253 financial interests for any calendar or fiscal year shall file
 254 that disclosure with the ~~Florida~~ Commission on Ethics.
 255 ~~Additionally, beginning January 1, 2015,~~ An officer who is
 256 required to complete annual ethics training pursuant to s.
 257 112.3142 must certify on his or her full and public disclosure
 258 of financial interests that he or she has completed the required
 259 training.

260 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
 261 ~~the State Constitution,~~ to file a full and public disclosure of
 262 financial interests and who has filed a full and public
 263 disclosure of financial interests for any calendar or fiscal
 264 year ~~is shall~~ not ~~be~~ required to file a statement of financial

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265 interests pursuant to s. 112.3145(2) and (3) for the same year
 266 or for any part thereof notwithstanding any requirement of this
 267 part. If an incumbent in an elective office has filed the full
 268 and public disclosure of financial interests to qualify for
 269 election to the same office or if a candidate for office holds
 270 another office subject to the annual filing requirement, the
 271 qualifying officer shall forward an electronic copy of the full
 272 and public disclosure of financial interests to the commission
 273 no later than July 1. The electronic copy of the full and public
 274 disclosure of financial interests satisfies the annual
 275 disclosure requirement of this section. A candidate who does not
 276 qualify until after the annual full and public disclosure of
 277 financial interests has been filed pursuant to this section
 278 shall file a copy of his or her disclosure with the officer
 279 before whom he or she qualifies.

280 Section 6. The amendment made to s. 112.3144, Florida
 281 Statutes, by this act applies to disclosures filed for the 2017
 282 calendar year and all subsequent calendar years.

283 Section 7. Subsection (1) of section 112.31455, Florida
 284 Statutes, is amended to read:

285 112.31455 Collection methods for unpaid automatic fines
 286 for failure to timely file disclosure of financial interests.-

287 (1) Before referring any unpaid fine accrued pursuant to
 288 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial

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289 Services, the commission shall attempt to determine whether the
 290 individual owing such a fine is a current public officer or
 291 current public employee. If so, the commission may notify the
 292 Chief Financial Officer or the governing body of the appropriate
 293 county, municipality, school district, or special district of
 294 the total amount of any fine owed to the commission by such
 295 individual.

296 (a) After receipt and verification of the notice from the
 297 commission, the Chief Financial Officer or the governing body of
 298 the county, municipality, school district, or special district
 299 shall begin withholding the lesser of 10 percent or the maximum
 300 amount allowed under federal law from any salary-related
 301 payment. The withheld payments shall be remitted to the
 302 commission until the fine is satisfied.

303 (b) The Chief Financial Officer or the governing body of
 304 the county, municipality, school district, or special district
 305 may retain an amount of each withheld payment, as provided in s.
 306 77.0305, to cover the administrative costs incurred under this
 307 section.

308 Section 8. Section 112.3261, Florida Statutes, is amended
 309 to read:

310 112.3261 Lobbying before governmental entities ~~water~~
 311 ~~management districts~~; registration and reporting.—

312 (1) As used in this section, the term:

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313 (a) "Governmental entity" or "entity" ~~"District"~~ means a
 314 water management district created in s. 373.069 and operating
 315 under the authority of chapter 373, a hospital district, a
 316 children's services district, an expressway authority as the
 317 term "authority" is defined in s. 348.0002, a port authority as
 318 defined in s. 315.02, a county or municipality or school
 319 district that has not adopted lobbyist registration and
 320 reporting requirements, or an independent special district with
 321 annual revenues of more than \$5 million which exercises ad
 322 valorem taxing authority.

323 (b) "Lobbies" means seeking, on behalf of another person,
 324 to influence a governmental entity ~~district~~ with respect to a
 325 decision of the entity ~~district~~ in an area of policy or
 326 procurement or an attempt to obtain the goodwill of an a
 327 ~~district~~ official or employee of a governmental entity. The term
 328 ~~"lobbies"~~ shall be interpreted and applied consistently with the
 329 rules of the commission implementing s. 112.3215.

330 (c) "Lobbyist" has the same meaning as provided in s.
 331 112.3215.

332 (d) "Principal" has the same meaning as provided in s.
 333 112.3215.

334 (2) A person may not lobby a governmental entity ~~district~~
 335 until such person has registered as a lobbyist with that entity
 336 ~~district~~. Such registration shall be due upon initially being

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337 retained to lobby and is renewable on a calendar-year basis
 338 thereafter. Upon registration, the person shall provide a
 339 statement signed by the principal or principal's representative
 340 stating that the registrant is authorized to represent the
 341 principal. The principal shall also identify and designate its
 342 main business on the statement authorizing that lobbyist
 343 pursuant to a classification system approved by the governmental
 344 entity district. Any changes to the information required by this
 345 section must be disclosed within 15 days by filing a new
 346 registration form. The registration form shall be modeled after
 347 the legislative branch or executive branch lobbyist registration
 348 form and be returned to the governmental entity and must ~~shall~~
 349 require each lobbyist to disclose, under oath, the following:
 350 (a) The lobbyist's name and business address.
 351 (b) The name and business address of each principal
 352 represented.
 353 (c) The existence of any direct or indirect business
 354 association, partnership, or financial relationship with an
 355 official ~~any officer~~ or employee of a governmental entity
 356 ~~district~~ with which he or she lobbies or intends to lobby.
 357 ~~(d) In lieu of creating its own lobbyist registration~~
 358 ~~forms, a district may accept a completed legislative branch or~~
 359 ~~executive branch lobbyist registration form.~~
 360 (3) A governmental entity district shall make lobbyist

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361 registrations available to the public. If a governmental entity
 362 ~~district~~ maintains a website, a database of currently registered
 363 lobbyists and principals must be available on the entity's
 364 ~~district's~~ website.

365 (4) A lobbyist shall promptly send a written statement to
 366 the governmental entity ~~district~~ canceling the registration for
 367 a principal upon termination of the lobbyist's representation of
 368 that principal. A governmental entity ~~district~~ may remove the
 369 name of a lobbyist from the list of registered lobbyists if the
 370 principal notifies the entity ~~district~~ that a person is no
 371 longer authorized to represent that principal.

372 (5) A governmental entity ~~district~~ may establish an annual
 373 lobbyist registration fee, not to exceed \$40, for each principal
 374 represented. The governmental entity ~~district~~ may use
 375 registration fees only to administer this section.

376 (6) A governmental entity ~~district~~ shall be diligent to
 377 ascertain whether persons required to register pursuant to this
 378 section have complied. A governmental entity ~~district~~ may not
 379 knowingly authorize a person who is not registered pursuant to
 380 this section to lobby the entity ~~district~~.

381 (7) Upon receipt of a sworn complaint alleging that a
 382 lobbyist or principal has failed to register with a governmental
 383 entity ~~district~~ or has knowingly submitted false information in
 384 a report or registration required under this section, the

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385 commission shall investigate a lobbyist or principal pursuant to
 386 the procedures established under s. 112.324. The commission
 387 shall provide the Governor with a report of its findings and
 388 recommendations in any investigation conducted pursuant to this
 389 subsection. The Governor is authorized to enforce the
 390 commission's findings and recommendations.

391 (8) A governmental entity ~~Water management districts~~ may
 392 adopt rules to establish procedures to govern the registration
 393 of lobbyists, including the adoption of forms and the
 394 establishment of a lobbyist registration fee.

395 Section 9. As provided in s. 112.322(3), Florida Statutes,
 396 the Commission on Ethics shall render advisory opinions to any
 397 public officer, candidate for public office, or public employee
 398 regarding the application of part III of chapter 112, Florida
 399 Statutes, including the amendments made by sections 1 through 8
 400 of this act.

401 Section 10. The Legislature finds that a proper and
 402 legitimate state purpose is served when mechanisms are
 403 established to secure and sustain the public's trust in those
 404 who hold public office. Therefore, the Legislature determines
 405 and declares that this act fulfills an important state interest.

406 Section 11. This act shall take effect October 1, 2017.