

**SM 672** by **Negron (CO-INTRODUCERS) Evers, Storms, Gaetz**; (Similar to H 0083) Congressional Term Limits

**SB 1560** by **Thrasher (CO-INTRODUCERS) Gaetz**; Ethical Requirements for Public Officers

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**RULES**  
**Senator Thrasher, Chair**  
**Senator Alexander, Vice Chair**

**MEETING DATE:** Tuesday, February 14, 2012

**TIME:** 11:15 a.m.—1:00 p.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Office Building*

**MEMBERS:** Senator Thrasher, Chair; Senator Alexander, Vice Chair; Senators Bullard, Flores, Gaetz, Gardiner, Jones, Lynn, Margolis, Negron, Richter, Siplin, Smith, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SM 672</b> Negron (Similar HM 83)	Congressional Term Limits; Urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve.  EE     02/02/2012 Favorable RC     02/14/2012 Favorable	Favorable Yeas 7 Nays 4
2	<b>SB 1560</b> Thrasher (Compare S 304)	Ethical Requirements for Public Officers; Providing a restriction on employment with state universities or Florida College System institutions for a member of the Legislature; requiring that a member of the Legislature surrender employment with a state university or a Florida College System institution before seeking reelection; providing that a public officer holding an economic interest in a qualified blind trust does not have a conflict of interest with matters pertaining to that economic interest; requiring that the Commission on Ethics review the information contained in the public disclosure of financial interests filed by public officers, etc.  EE     01/23/2012 Favorable RC     02/14/2012 Unfavorable HE	Unfavorable Yeas 6 Nays 6

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Committee

BILL: SM 672  
 INTRODUCER: Senators Negron, Evers, and others  
 SUBJECT: Term Limits; Congress  
 DATE: February 13, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Roberts	EE	<b>Favorable</b>
2.	Fox	Phelps	RC	<b>Favorable</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Memorial 672 urges Congress to propose to the states an amendment to the U.S. Constitution limiting the number of consecutive terms that a U.S. Senator or U.S. House Representative may serve.

A memorial has no force of law; it is a mechanism for formally petitioning the U.S. Congress for action on a specific subject.

**II. Present Situation:**

In 1992, Florida voters adopted the so-called “eight-is-enough” amendment to the State Constitution, prohibiting federal senators and representatives from Florida from having their name appear on the ballot if they served 8 consecutive years in office.<sup>1</sup> Similar limits were adopted on federal office holders in numerous other state constitutions as part of a nationwide initiative. In 1995, however, the U.S. Supreme Court invalidated these state attempts to impose term limits on federal office holders, finding that they violated the qualifications clauses of the *federal* Constitution.<sup>2</sup>

<sup>1</sup> Art. VI, s. 4, FLA. CONST. Florida’s eight-is-enough amendment also limited the terms of state legislators as well as the governor and other cabinet officers. *Id.*

<sup>2</sup> *See, U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (Arkansas provision limiting terms of its congressional members impermissibly created additional qualifications beyond those authorized in Article I of the U.S. Constitution).

**III. Effect of Proposed Changes:**

Senate Memorial 672 urges Congress to propose to the states an amendment to the U.S. Constitution limiting the number of consecutive terms that a U.S. Senator or U.S. House Representative may serve. Such an amendment would need to be proposed by a two-thirds vote of each House of Congress and subsequently be ratified by three-fourths of the states.<sup>3</sup>

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>3</sup> Art. V, U.S. CONST.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Negrón

28-00727A-12

2012672\_\_

1 Senate Memorial  
 2 A memorial to the Congress of the United States,  
 3 urging Congress to propose to the states an amendment  
 4 to the Constitution of the United States that would  
 5 limit the consecutive terms of office which a member  
 6 of the United States Senate or the United States House  
 7 of Representatives may serve.

8  
 9 WHEREAS, Article V of the Constitution of the United States  
 10 authorizes Congress to propose amendments to the Constitution  
 11 which shall become valid when ratified by the states, and

12 WHEREAS, a continuous and growing concern has been  
 13 expressed that the best interests of this nation will be served  
 14 by limiting the terms of members of Congress, a concern  
 15 expressed by the founding fathers, incorporated into the  
 16 Articles of Confederation, and attempted through legislation  
 17 adopted by state legislatures, NOW, THEREFORE,

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

20  
 21 That the Florida Legislature respectfully petitions the  
 22 Congress of the United States to propose to the states an  
 23 amendment to the Constitution of the United States to limit the  
 24 number of consecutive terms which a person may serve in the  
 25 United States Senate or the United States House of  
 26 Representatives.

27 BE IT FURTHER RESOLVED that copies of this memorial be  
 28 dispatched to the President of the United States, to the  
 29 President of the United States Senate, to the Speaker of the

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28-00727A-12

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30 United States House of Representatives, and to each member of  
 31 the Florida delegation to the United States Congress.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Rules Committee

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BILL: SB 1560

INTRODUCER: Senator Thrasher and Senator Gaetz

SUBJECT: An act relating to ethical requirements for public officers

DATE: February 13, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Favorable</b>
2.	Carlton	Phelps	RC	<b>Unfavorable</b>
3.			HE	
4.				
5.				
6.				

**I. Summary:**

Senate Bill 1560 provides that a member of the Legislature may not work for, or contract with, a state university or State College System institution while in office or for two years after leaving office. This restriction does not apply to members working for a state university or State College System institution on July 1, 2012.

Senate Bill 1560 authorizes public officers to place their assets in a blind trust. The blind trust must meet certain minimum requirements concerning the contents of the trust agreement and who can serve as trustee. If a public officer places assets in a blind trust, those assets would not give rise to certain conflicts of interest and voting conflicts. The public officer would be required to make certain disclosures concerning the blind trust on his or her annual financial disclosure. The bill also limits the communications between the public officer and the trustee. Finally, the public officer is required to file a notice of the blind trust with the Commission.

Senate Bill 1560 also creates an initial screening process for financial disclosure filings of elected constitutional officers. The bill requires the Florida Commission on Ethics (“Commission”) to review timely-filed financial disclosures of elected constitutional officers, along with any supporting documents provided, to determine if the filing is sufficient. The Commission would be required to notify filers whether their disclosures are sufficient by July 31, and provides 30 days for the official to correct the filing without penalty. Also, if information is omitted from the form which is required to be disclosed, and that information was contained in the supporting documentation filed with the Commission but was not caught by the Commission, the officer shall not be liable for fines or penalties.

Senate Bill 1560 also requires two additional public officers to file an annual statement of financial interests.

This bill creates s. 112.3131, F.S., and s. 112.3142, F.S. Also, the bill amends s. 112.3144, F.S., and s. 112.3145, F.S.

## **II. Present Situation:**

### **Restrictions on Legislators:**

Members of the Florida Legislature are subject to the standards of conduct within Article II, s. 8, Florida Constitution, and the Code of Ethics for Public Officers and Employees in Part III, Chapter 112, Florida Statutes. Several provisions are specifically applicable to members of the Legislature. For example, members of the Florida Legislature are prohibited from personally representing any person or entity for compensation before any state agency other than judicial tribunals. Members of the Legislature are also prohibited from personally representing another person or entity for compensation before their former agency for a period of two years after leaving office. Additionally, members are subject to the legislative expenditure ban in s. 11.045, F.S. However, there are currently no prohibitions on members being employed with state government, local government, or any other political subdivision of the state.

### **Nineteenth Statewide Grand Jury Recommendations:**

On November 30, 2009, Governor Crist convened the Grand Jury to review the ethics laws for possible improvement and to investigate any potential criminal activity within the Grand Jury's jurisdiction. On December 17, 2010, the Grand Jury issued a 124-page report interim report. The report contains various findings of fact, explanation of current ethics laws, and suggestions for improvement of those laws.

#### **A. Blind Trusts**

One recommendation of the Nineteenth Statewide Grand Jury was to allow public officers to create a blind trust in order to avoid certain conflicts of interest. Currently, there is no provision of the Florida Statutes addressing the use of blind trusts by public officers.

#### **B. New Financial Disclosure Filers**

Another recommendation concerned who is required to file an annual statement of financial interests pursuant to s. 112.3145, F.S. Generally, only those specifically enumerated in that statute are required to file an annual statement of financial interests. This filing requirement is less onerous than that required in Article II, s. 8 of the Florida Constitution. Currently, neither members of a community redevelopment agency board nor finance directors of county, municipal, or other political subdivisions are required to file annual financial disclosure. The Grand Jury recommended requiring annual financial disclosure of those individuals.

**Financial Disclosure:**

Currently, all elected constitutional officers and candidates for such offices are required by Art. II, s. 8 of the State Constitution, to file a full and public disclosure of their financial interests annually. The annual full and public disclosure is also required of all statewide elected officers and any other officers, candidates, and employees as determined by law. Currently, the financial disclosure requirements are contained in s. 112.3144, F.S., and s. 112.3145, F.S. Section 112.3144, F.S., is the implementing language for the full and public disclosure of financial interests required of the constitutionally specified officers and candidates.

The Commission serves as the depository for the financial disclosure filings of state officers or employees. Those who serve at a local level file their financial disclosure with the local supervisor of elections. The Commission and supervisors of elections are statutorily required to assist each other in identifying those subject to the financial disclosure requirement, providing notice to those individuals, and tracking receipt of financial disclosures. In the event that an individual fails to timely file his or her financial disclosure, the Commission imposes an automatic fine of \$25 per day for failure to timely file financial disclosure. The automatic fine is capped at \$1,500. Neither the Commission nor the supervisor of elections is required to examine the financial disclosure filings.

If a filer is uncertain about whether he or she is required to disclose information, the filer may contact the Commission for guidance. Usually, the Commission's staff can answer simple questions by telephone or letter. In some circumstances, staff may not be able to provide such informal guidance. The Commission's staff will usually provide the filer the "safe harbor" advice to disclose the information or will advise the filer to seek a formal opinion from the Commission at its next available meeting. Upon receipt of the guidance, the onus is on the filer to include the information on their original form or, if necessary, file an amendment form. A member of the public can file a complaint with the Commission alleging that the person failed to disclose information which they were legally obligated to disclose. That complaint follows the same procedure as any complaint alleging a violation of one of the standards of conduct in the Code of Ethics. In the event that the Commission finds the filer in violation, he or she is subject to the penalties in s. 112.317, F.S.

**III. Effect of Proposed Changes:****Restrictions on Legislators:**

Senate Bill 1560 creates s. 112.3131, F.S., which prohibits a member of the Legislature from being employed by, or contracting with, a state university or a Florida College System institution. The bill also prohibits a member of the Legislature from having employment or a contractual relationship with a state university or Florida College System institution for a period of two years after leaving office.

Members who serve in the Legislature and have employment with a state university or a Florida College System institution on July 1, 2012 are "grandfathered out." This "grandfathering" applies to the member's current term on the effective date of the bill. Before seeking reelection,

the member must surrender his or her employment with the state university or Florida College System institution.

**Financial Disclosure:**

The bill amends s. 112.3144, F.S., concerning the filing of annual full and public disclosure of the interests by elected constitutional officers. Specifically, the bill requires the Commission to review any full and public disclosure of financial interests filed by an elected constitutional officer no later than 5:00 p.m. on July 1. The Commission is required to compare the form and any other supplemental or supporting documentation provided by the filer to determine whether the filing is sufficient. The Commission must then notify the filer whether his or her disclosure is sufficient. If the filing is sufficient, the Commission accepts the filing and shall consider the disclosure to be filed as of the date received.

If the Commission determines, based upon the full and public disclosure form and supporting or supplemental documents, that the filer omitted information required to be filed, the Commission must notify the filer by certified mail. The notice must be sent within thirty days of July 1 and must state with particularity the reason(s) for the deficiency. The officer must then file a new full and public disclosure of financial interests no later than September 1 of that year. A complaint cannot be filed alleging a violation of s. 112.3144, F.S., based on errors identified by the Commission, unless the filer fails to make the corrections necessary to comply with the disclosure requirement by September 1. If the officer fails to file the corrected form by September 1, he or she remains subject to the automatic fines for failure to timely file his or her disclosure. However, the officer would retain the right to appeal any automatic fine based on the existence of unusual circumstances.

When the filing is determined to be sufficient, the officer is not liable for any fines or penalties related to the filing. However, the exemption from liability for fines or penalties is not intended to apply where the filer omits information necessary for the Commission to make its sufficiency determination. This encourages the officer to disclose any information which would facilitate the Commission's review and prevents withholding information in an effort to receive the exemption.

**Nineteenth Statewide Grand Jury Recommendations:**

A. Blind Trusts

Senate Bill 1560 permits public officers to create a blind trust and place their assets into the blind trust. When a public officer places assets into a blind trust, the public officer gives the trustee the authority to dispose of the assets and the public officer must not attempt to influence or exert control over decisions regarding the management of the trust. However, the public officer may make requests for distributions, communicate with the trustee concerning his or her financial needs, and provide instructions to sell certain assets originally placed in the trust if the public officer is subsequently prohibited by law from holding the assets. The public officer would also be entitled to enough information from the trustee to prepare their personal income tax statements. The public officer would be required to disclose the blind trust as an asset on his or

her financial disclosure form. The public officer would also be required to disclose as primary income any income exceeding the thresholds for reporting.

Senate Bill 1560 also specifies that certain relatives and other individuals may not serve as a trustee. The bill also specifies that the trust agreement must contain a statement of purpose namely, to remove control and knowledge of the investments so that conflicts between the grantor's responsibilities as a public officer and his or her private interests will be eliminated. The trust agreement must also give the trustee complete control over the assets including the power to dispose of and acquire property. The agreement must also specify that communications concerning the trust holdings or sources of income are prohibited. The agreement must also specify that the trust tax return is to be prepared by the trustee and information relating to the trust is not to be disclosed to the public officer.

The public officer must notify the Florida Commission on Ethics that the trust was created within 5 business days. The notice to the Commission must set forth the date the agreement was executed; the name and address of the trustee; and acknowledgement that he or she has agreed to serve as the trustee. Under the provisions of the bill, public officers would not have to have their blind trusts "qualified" by the Commission on Ethics.

The benefit of creating a blind trust is that the assets placed in the trust would not give rise to certain conflicts of interests. Specifically, assets in the trust would not create a violation of the prohibition on doing business with one's own agency in s. 112.313(3), F.S.; would not give rise to a conflicting employment or contractual relationship which would be prohibited in s. 112.313(7), F.S.; and the assets in the blind trust would not give rise to a voting conflict of interests under s. 112.3143, F.S.

#### B. New Financial Disclosure Filers

The bill also incorporates two other recommendations of the Grand Jury by amending s. 112.3145, F.S. The first change requires members of a community redevelopment agency board to file annual financial disclosure. The second change requires a finance director of a county, municipality, or other political subdivision to file annual financial disclosure.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The Florida Commission on Ethics may incur additional costs related to sufficiency reviews for certain financial disclosure filings, but such amount is indeterminate at this time. Any potential increase in work caused by the sufficiency review could be offset by using seasonal OPS staff for the thirty day period in which the Commission conducts the review.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

## A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.

By Senator Thrasher

8-01444A-12

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1 A bill to be entitled  
 2 An act relating to ethical requirements for public  
 3 officers; creating s. 112.3131, F.S.; providing a  
 4 restriction on employment with state universities or  
 5 Florida College System institutions for a member of  
 6 the Legislature; providing an exception; requiring  
 7 that a member of the Legislature surrender employment  
 8 with a state university or a Florida College System  
 9 institution before seeking reelection; creating s.  
 10 112.3142, F.S.; providing a legislative finding;  
 11 providing that a public officer holding an economic  
 12 interest in a qualified blind trust does not have a  
 13 conflict of interest with matters pertaining to that  
 14 economic interest; providing guidelines for  
 15 communications and management relating to the  
 16 qualified blind trust, to the public officer and  
 17 persons having a beneficial interest in the trust, and  
 18 to the trustee; requiring that a public officer report  
 19 any beneficial interest in a qualified blind trust on  
 20 required financial disclosure forms; requiring that a  
 21 qualified blind trust meet certain criteria; providing  
 22 criteria for the trust agreement; requiring that the  
 23 public officer notify the Commission on Ethics of the  
 24 trust agreement within a specified time; providing  
 25 criteria for the notice; amending s. 112.3144, F.S.;  
 26 requiring that the Commission on Ethics review the  
 27 information contained in the public disclosure of  
 28 financial interests filed by public officers;  
 29 requiring that the commission notify the public

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30 officer of specific insufficiencies in the disclosure  
 31 under certain circumstances; requiring that, upon  
 32 receipt of the notice of insufficiency, the public  
 33 officer file an amended or corrected disclosure by a  
 34 specified date; providing that the amended or  
 35 corrected disclosure is not subject to a sufficiency  
 36 review; providing that the officer is subject to an  
 37 automatic fine if the amended or corrected disclosure  
 38 is not filed by a specified date; providing for appeal  
 39 of the fine; providing that a public officer is  
 40 entitled to a sufficiency review only if the  
 41 disclosure of financial interests is timely filed;  
 42 authorizing the commission to delegate sufficiency  
 43 review duties to its staff; amending s. 112.3145,  
 44 F.S.; adding a community redevelopment agency board  
 45 and persons holding the position of finance director  
 46 of a county, municipality, or other political  
 47 subdivision to the definition of the term "local  
 48 officer" for the purpose of disclosing financial  
 49 interests and clients represented before an agency;  
 50 providing an effective date.

51  
 52 Be It Enacted by the Legislature of the State of Florida:

53  
 54 Section 1. Section 112.3131, Florida Statutes, is created  
 55 to read:

56 112.3131 Restriction on employment with state universities  
 57 or Florida College System institutions.—

58 (1) A member of the Legislature may not be employed by, or

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59 have a contractual relationship with, a state university or a  
 60 Florida College System institution while serving in the  
 61 Legislature. A member of the Legislature may not become employed  
 62 by, or have a contractual relationship with, a state university  
 63 or a Florida College System institution for a period of 2 years  
 64 after leaving service in the Legislature.

65 (2) This section does not apply to any member of the  
 66 Legislature employed by a state university or a Florida College  
 67 System institution on July 1, 2012. However, the member of the  
 68 Legislature shall surrender his or her employment before seeking  
 69 reelection.

70 Section 2. Section 112.3142, Florida Statutes, is created  
 71 to read:

72 112.3142 Qualified blind trusts.-

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

77 (2) If a public officer holds an economic interest in a  
 78 qualified blind trust as described in this section, he or she  
 79 does not have a conflict of interest prohibited under s.  
 80 112.313(3) or (7) or a voting conflict of interest under s.  
 81 112.3143 with regard to matters pertaining to that economic  
 82 interest.

83 (3) The public officer may not attempt to influence or  
 84 exercise any control over decisions regarding the management of  
 85 assets in a qualified blind trust. The public officer or any  
 86 person having a beneficial interest in the qualified blind trust  
 87 may not make any effort to obtain information with respect to

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88 the holdings of the trust, including obtaining a copy of any  
 89 trust tax return filed or any information relating thereto,  
 90 except as otherwise provided in this section.

91 (4) Except for communications that consist solely of  
 92 requests for distributions of cash or other unspecified assets  
 93 of the trust, there shall be no direct or indirect communication  
 94 with respect to the trust between the public officer or any  
 95 person having a beneficial interest in the qualified blind trust  
 96 and the trustee, unless such communication is in writing and  
 97 unless it relates only to:

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

101 (b) The general financial interests and needs of the public  
 102 officer or a person having a beneficial interest, including, but  
 103 not limited to, an interest in maximizing income or long-term  
 104 capital gain;

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

109 (d) A direction to the trustee to sell all of an asset  
 110 initially placed in the trust by the public officer which, in  
 111 the determination of the public officer, creates a conflict of  
 112 interest or the appearance thereof due to the subsequent  
 113 assumption of duties by the public officer.

114 (5) The public officer shall report as an asset on his or  
 115 her financial disclosure forms the beneficial interest in the  
 116 qualified blind trust and its value, if the value is required to

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117 be disclosed. The public officer shall report the blind trust as  
 118 a primary source of income on his or her financial disclosure  
 119 forms and its amount, if the amount of income is required to be  
 120 disclosed. The public officer is not required to report as a  
 121 secondary source of income any source of income to the blind  
 122 trust.

123 (6) In order to constitute a qualified blind trust, the  
 124 trust must be established by the public officer and meet the  
 125 following requirements:

126 (a) The person appointed as a trustee must not be:

127 1. The public officer's spouse, child, parent, grandparent,  
 128 grandchild, brother, sister, parent-in-law, brother-in-law,  
 129 sister-in-law, aunt, uncle, or first cousin, or the spouse of  
 130 any such person;

131 2. A person who is an elected or appointed public officer  
 132 or a public employee; or

133 3. A person who has been appointed to serve in an agency by  
 134 the public officer or by a public officer or public employee  
 135 supervised by the public officer.

136 (b) The trust agreement that establishes the trust must:

137 1. Contain a statement that its purpose is to remove from  
 138 the grantor control and knowledge of investment of trust assets  
 139 so that conflicts between the grantor's responsibilities as a  
 140 public officer and his or her private interests will be  
 141 eliminated.

142 2. Give the trustee complete discretion to manage the  
 143 trust, including, but not limited to, the power to dispose of  
 144 and acquire trust assets without consulting or notifying the  
 145 covered public officer or any person having a beneficial

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146 interest in the trust.

147 3. Prohibit communication between the trustee and the  
 148 public officer and any person having a beneficial interest in  
 149 the trust concerning the holdings or sources of income of the  
 150 trust, except amounts of cash value or net income or loss, if  
 151 such report does not identify any asset or holding, except as  
 152 provided in this section.

153 4. Provide that the trust tax return is prepared by the  
 154 trustee or his or her designee and that any information relating  
 155 thereto is not disclosed to the public officer or to any other  
 156 beneficiary, except as provided in this section.

157 5. Permit the trustee to notify the public officer of the  
 158 date of disposition and value at disposition of any original  
 159 investment or interest in real property to the extent required  
 160 by federal tax law so that the information can be reported on  
 161 the public officer's applicable tax returns.

162 6. Prohibit the trustee from disclosing to the public  
 163 officer and any person having a beneficial interest in the trust  
 164 any information concerning replacement assets to the trust,  
 165 except for the minimum tax information that lists only the  
 166 totals of taxable items from the trust and does not describe the  
 167 source of individual items of income.

168 (c) Within 5 business days after the agreement is executed,  
 169 the public officer shall file a notice with the commission  
 170 setting forth:

171 1. The date that the agreement was executed;

172 2. The name and address of the trustee; and

173 3. The acknowledgement by the trustee that he or she has  
 174 agreed to serve as trustee.

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175 Section 3. Subsection (1) of section 112.3144, Florida  
 176 Statutes, is amended to read:  
 177 112.3144 Full and public disclosure of financial  
 178 interests.-  
 179 (1)(a) An officer who is required by s. 8, Art. II of the  
 180 State Constitution to file a full and public disclosure of his  
 181 or her financial interests for any calendar or fiscal year shall  
 182 file that disclosure with the Florida Commission on Ethics.  
 183 (b) The commission shall review the information contained  
 184 in each full and public disclosure of financial interests of,  
 185 and any supporting or supplemental documentation filed  
 186 concurrently by, an elected constitutional officer to determine  
 187 whether the officer's disclosure is sufficient; provided that  
 188 the commission receives the filing by July 1.  
 189 (c)1. If the commission determines that the officer's  
 190 disclosure is insufficient, the commission must send a notice by  
 191 certified mail to the officer no later than 30 days after July  
 192 1. The notice must identify the specific insufficiency and state  
 193 with particularity the basis for the determination.  
 194 2. Upon receipt of the notice of insufficiency, the officer  
 195 must file an amended or corrected disclosure no later than  
 196 September 1 of that year, which is not subject to sufficiency  
 197 review. If the officer fails to file the amended or corrected  
 198 disclosure by September 1, the automatic fine provided for in  
 199 this section will begin to accrue. Any such officer accruing an  
 200 automatic fine may appeal it as provided in subsection (5).  
 201 3. A complaint may not be filed alleging a violation of  
 202 this section for any insufficiency identified pursuant to  
 203 subparagraph 1. unless such insufficiency remains uncorrected

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204 after September 1.  
 205 (d) If the commission finds the disclosure legally  
 206 sufficient, the commission must send a notice of sufficiency by  
 207 certified mail to the officer no later than 30 days after July  
 208 1. To the extent that the disclosure of financial interests and  
 209 the accompanying documentation filed with the commission fully  
 210 identify all information that is required to be disclosed, an  
 211 officer whose disclosure is sufficient is not liable for any  
 212 finest or penalties for a violation of this section.  
 213 (e) If an officer's full and public disclosure of financial  
 214 interests is not received by 5 p.m. on July 1, the officer is  
 215 not entitled to a sufficiency review.  
 216 (f) The commission may delegate to its staff the authority  
 217 to conduct the sufficiency reviews required in this subsection.  
 218 Section 4. Paragraph (a) of subsection (1) of section  
 219 112.3145, Florida Statutes, is amended to read:  
 220 112.3145 Disclosure of financial interests and clients  
 221 represented before agencies.-  
 222 (1) For purposes of this section, unless the context  
 223 otherwise requires, the term:  
 224 (a) "Local officer" means:  
 225 1. Any ~~Every~~ person who is elected to office in any  
 226 political subdivision of the state ~~or, and every person~~ who is  
 227 appointed to fill a vacancy for an unexpired term in such an  
 228 elective office.  
 229 2. Any appointed member of any of the following boards,  
 230 councils, commissions, authorities, or other bodies of any  
 231 county, municipality, school district, independent special  
 232 district, or other political subdivision of the state:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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233 a. The governing body of the political subdivision, if  
 234 appointed;

235 b. An expressway authority or transportation authority  
 236 established by general law;

237 c. A community college or junior college district board of  
 238 trustees;

239 d. A board having the power to enforce local code  
 240 provisions;

241 e. A planning or zoning board, board of adjustment, board  
 242 of appeals, community redevelopment agency board, or other board  
 243 having the power to recommend, create, or modify land planning  
 244 or zoning within the political subdivision, except for citizen  
 245 advisory committees, technical coordinating committees, and such  
 246 other groups who only have the power to make recommendations to  
 247 planning or zoning boards;

248 f. A pension board or retirement board having the power to  
 249 invest pension or retirement funds or the power to make a  
 250 binding determination of one's entitlement to or amount of a  
 251 pension or other retirement benefit; or

252 g. Any other appointed member of a local government board  
 253 who is required to file a statement of financial interests by  
 254 the appointing authority or the enabling legislation, ordinance,  
 255 or resolution creating the board.

256 3. Any person holding one or more of the following  
 257 positions: mayor; county or city manager; chief administrative  
 258 employee of a county, municipality, or other political  
 259 subdivision; county or municipal attorney; finance director of a  
 260 county, municipality, or other political subdivision; chief  
 261 county or municipal building code inspector; county or municipal

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262 water resources coordinator; county or municipal pollution  
 263 control director; county or municipal environmental control  
 264 director; county or municipal administrator, with power to grant  
 265 or deny a land development permit; chief of police; fire chief;  
 266 municipal clerk; district school superintendent; community  
 267 college president; district medical examiner; or purchasing  
 268 agent having the authority to make any purchase exceeding the  
 269 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
 270 behalf of any political subdivision of the state or any entity  
 271 thereof.

272 Section 5. This act shall take effect July 1, 2012.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic SB 1560: ETHICAL REQUIREMENTS... Bill Number SB 1560  
(if applicable)

Name TOM AUXTER Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRESIDENT, UNITED FACULTY OF FLORIDA

Address 2130 SW 78 TERRACE Phone 352 219 0020  
Street

GAINESVILLE, FL 32607 E-mail tauxter@aol.com  
City State Zip

Speaking:  For  Against  Information

Representing FACULTY: 23,000 FACULTY AT 11 SUS UNIVERSITIES AND 10 COLLEGES IN FCS

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 14 FEB 12

Topic \_\_\_\_\_ Bill Number 1560  
(if applicable)

Name Thomas Dickens Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Iraq Veteran / Adjunct Faculty at TCC

Address \_\_\_\_\_ Phone \_\_\_\_\_  
Street

\_\_\_\_\_ E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/20/11)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Budget  
Budget - Subcommittee on Education Pre-K - 12  
Appropriations  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Governmental Oversight and Accountability  
Reapportionment  
Rules

### SENATOR ANITERE FLORES

*Majority Whip*  
38th District

February 14, 2012

The Honorable John Thrasher  
Chair of Committee on Rules  
402 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

A handwritten signature in black ink, appearing to read "John Thrasher".

Dear Chairman Thrasher:

I respectfully request to be excused from the Committee on Rules on February 14<sup>th</sup> at 11:15 am.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anitere Flores".

Anitere Flores

CC: Mr. John B. Phelps, Staff Director, Committee on Rules

#### REPLY TO:

- 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore