

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Latvala, Chair
Senator Sobel, Vice Chair

MEETING DATE: Tuesday, January 22, 2013
TIME: 3:30 —6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Latvala, Chair; Senator Sobel, Vice Chair; Senators Benacquisto, Braynon, Clemens, Diaz de la Portilla, Flores, Gardiner, Joyner, Lee, Legg, Soto, and Thrasher

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|-----------------------------|
| 1 | Consideration of proposed committee bill: | | |
| | SPB 7006 | Ethics; Defining the term "constitutional officers"; requiring constitutional officers to complete annual ethics training; providing definitions for "principal" and "special gain or loss"; requiring state public officers to abstain from voting on any matter that the officer knows would inure to his or her special private gain or loss; providing a definition for "electronic filing system"; requiring all disclosures of financial interests filed with the Commission on Ethics to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year, etc. | Submitted as Committee Bill |
| | (Preliminary Draft Available - final draft will be made available by 3:30 p.m. on Friday, January 18, 2013) | | |
| 2 | Consideration of proposed committee bill: | | |
| | SPB 7008 | Public Records and Meetings of the Commission on Ethics; Creating an exemption from public records requirements for written referrals and related records held by the Commission on Ethics, the Governor, the Department of Law Enforcement, or state attorneys; creating an exemption from public meetings requirements for proceedings of the Commission on Ethics in which the referrals are discussed or acted upon; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing an exception; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act, etc. | Submitted as Committee Bill |
| | (Preliminary Draft Available - final draft will be made available by 3:30 p.m. on Friday, January 18, 2013) | | |
| 3 | Initial Discussion of Concepts for Inclusion in Elections Bill | | Discussed |

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Ethics and Elections

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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 Committee on Ethics and Elections

BILL: SPB 7006

INTRODUCER: For consideration by the Committee on Ethics and Elections

SUBJECT: An act relating to ethics

DATE: January 22, 2013 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Carlton | Roberts | | Submitted |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

SPB 7006 is a comprehensive ethics reform bill which amends ss. 112.3144 and 112.3145, F.S., to allow filers to use a certified public accountant (“CPA”) to prepare financial disclosure filings. The bill provides a “safe harbor” when errors are made by a CPA who was provided the necessary information to prepare the financial disclosure filing. SPB 7006 allows the Commission on Ethics (“Commission”) to collect unpaid financial disclosure fines by garnishment of wages and by authorizing the Commission to obtain a lien on the filer’s real property. The bill creates a procedure for curing erroneous financial disclosure fines prior to September 1st. A procedure is created to permit a filer to cure a filing that is the subject of a complaint, for a period of thirty days after the complaint has been filed if the alleged violation is de minimis in nature. The bill requires a qualifying officer to forward the financial disclosure form of any candidate who qualifies for election prior to filing his or her financial disclosure to the Commission. If the candidate qualifies after he or she files annual financial disclosure, the candidate is permitted to file a copy of his or her financial disclosure form with the qualifying officer. The bill also requires all filers who file financial disclosure pursuant to s. 112.3145, F.S., to designate whether the filer is using the dollar value threshold or the comparative (percentage) threshold to determine whether an interest is required to be disclosed. Finally, the bill creates a grace period to file a new final financial disclosure form to correct any errors on the original filing; and, it provides a thirty day period in which to cure de minimis violations when a complaint is filed concerning a final financial disclosure filing. The bill extends the statute of limitations to collect an unpaid financial disclosure fine from four years to twenty years.

The bill incorporates a recommendation of the Nineteenth Statewide Grand Jury by allowing all public officers to place their assets in a blind trust in newly created s. 112.3142, F.S. 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.

The bill defines the term “special private gain or loss” as used in the voting conflicts law in s. 112.3143, F.S. The bill prohibits a *state* public officer from voting on matters that would inure to his or her special private gain or loss. The bill also clarifies that a member of the Legislature may use a disclosure form created pursuant to the rules of his or her respective house to satisfy the voting conflict disclosure requirement.

SPB 7006 amends ss. 112.3148 and 112.3149, F.S., to clarify that only those who have the authority to purchase more than \$10,000 in a year are “procurement employees.” The bill also prohibits reporting individuals from soliciting a gift or honoraria, from accepting any honoraria, or from accepting a gift in excess of \$100 from a “vendor.” The bill defines the term “vendor.” For any gift from a vendor that is valued between \$25 and \$100, the vendor is required to report any gifts to reporting individuals or procurement employees on a quarterly basis.

SPB 7006 prohibits a reporting individual or procurement employee from soliciting or accepting a gift from a committee of continuous existence or a political committee.

The bill amends s. 112.324, F.S., to reduce the abuse of the ethics complaint process during elections by providing that a complaint may not be filed against a candidate for thirty days preceding an election unless the complaint is based on personal information or information other than hearsay. Additionally, any complaint filed against a candidate must be based upon personal information or information other than hearsay. The bill also amends s. 112.324, F.S., to permit the Commission on Ethics to initiate investigations based upon a referral from the Governor, the Florida Department of Law Enforcement, a law enforcement agency, or a state attorney. Once a referral is received from the Governor, Florida Department of Law Enforcement, state attorney, or U.S. Attorney, a vote of 6 members of the Commission is required to initiate an investigation. After that determination, the procedure for handling the referral is the same as the current complaint process.

The bill creates s. 112.3142, F.S., which requires “constitutional officers” to complete a minimum of 4 hours of training for ethics, open meetings, and public records laws. For purposes of this section, the term “constitutional officers” means the Governor, Lt. Governor, Attorney General, Chief Financial Officer, Agriculture Commissioner, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of circuit court, county commissioners, school board members, and school superintendents.

The bill amends s. 112.313(9), F.S., expands the lobbying prohibition applicable to former members of the Legislature by prohibiting former members from lobbying any agency for a period of two years after leaving the Legislature. It also prohibits a former member from accepting any position as a partner, principal, or employee of a firm or entity for the purpose of drafting, strategizing, consulting, advising or in any way working on matters that will come before the Legislature, or to provide networking or relationship building services with sitting

members of the Legislature. If an opinion is not sought prior to such employment or association, it is presumed that the employment or association is prohibited.

The bill creates s. 112.3125, F.S., prohibiting dual public employment by elected public officers and candidates for elected public office under certain circumstances and restricts certain promotions or advancements. Specifically, the bill would prohibit an elected public officer or candidate for elected public office, for the period of that candidacy, from obtaining new public employment after qualifying for elected public office. Members who had public employment prior to qualifying as a candidate would be allowed to keep their employment. However, the member or candidate may not accept promotions, raises, or any other additional compensation which is inconsistent with other similarly situated employees when the member knows, or should know that the additional compensation is being given because of his/her office or candidacy.

Finally, the bill amends the “Executive Branch Expenditure Ban” in s. 112.3215, F.S., to parallel the provisions of the “Legislative Branch Expenditure Ban” in s. 11.045, F.S. Specifically, the bill provides that the Commission can investigate complaints alleging that a lobbyist or principal provided a prohibited expenditure to an executive branch agency official, member, or employee. The bill also provides that there be a civil penalty of up to \$5,000 if a lobbyist, or anyone who is required to be registered as a lobbyist, fails to disclose any required information. That penalty is in addition to any other penalty already authorized in that statute.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 112.312, 112.3125, 112.313, 112.3142, 112.31425, 112.3143, 112.3144, 112.31445, 112.3145, 112.31455, 112.3147, 112.3148, 112.31485, and 112.324.

II. Present Situation:

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 (CE Form 6) 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. Additionally, other local officers, state employees, and local employees are required to file an annual statement of financial interests (CE Form 1).¹ The Commission has promulgated forms by which a filer may amend his or her full public disclosure of financial interests (CE Form 6X) or statement of financial interests (CE Form 1X). The Commission has also promulgated disclosure forms required of a public officer or employee upon leaving office or public employment. Those forms are the final full and public disclosure of financial interests (CE Form 6F) and the final statement of financial interests (CE Form 1F). There is no specific form by which to amend a final full and public disclosure of financial interests or a final statement of financial interests.

¹ Members of an expressway authority or transportation authority are listed as required filers in s.112.3145(1)(a)2.b., F.S. However, in Chapter 09-85, L.O.F., the Legislature required members of those authorities to file a full and public disclosure of their financial interests pursuant to s. 112.3144, F.S. Currently, the following officer or employees are not required to file financial disclosure: Community Redevelopment Agency members; finance directors of counties, municipalities, or other political subdivisions; Criminal Conflict and Civil Regional Counsel; or, Assistant Criminal Conflict and Civil Regional Counsel.

Currently, the financial disclosure requirements are contained in s. 112.3144, F.S., and s. 112.3145, F.S.

Those who are required to file a statement of financial interests pursuant to s. 112.3145, F.S., are required to disclose primary sources of income (other than from his or her public position), secondary sources of income (in certain circumstances), real property (other than a residence or vacation home in Florida), intangible personal property, liabilities, and interests in specified businesses. The law permits a filer to report the required interests based upon one of two thresholds. First, the filer may calculate whether an interest is required to be reported based upon whether that interest exceeds a specified percentage of his or her net worth. This is referred to as the “comparative (percentage) threshold.” Alternatively, the filer may determine whether an interest is reported if the interest exceeds a specified dollar value. This is referred to as the “dollar value threshold.” Because the law permits a filer to choose which threshold he or she is going to use, the CE Form 1 promulgated by the Commission requires a filer to identify the threshold used by checking a box. The statute does not currently expressly require this designation on the CE Form 1.

The Commission serves as the depository for 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.

Gifts and Honoraria

Gifts to public officers and employees are regulated pursuant to s. 112.3148, F.S. “Gift” is defined in s. 112.312(9) and encompasses nearly anything of value. Under s. 112.3148, F.S., a reporting individual or procurement employee (“RIPE”) is prohibited from soliciting any gift political committee, committee of continuous existence, a lobbyist, or an employer, principal, partner or a firm of a lobbyist. A “reporting individual” is anyone who is required to file

financial disclosure, including candidates. A “procurement employee” is an employee of an officer, department, board, commission, or council of the executive or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

Additionally, a RIPE is prohibited from knowingly accepting a gift from a political committee, committee of continuous existence, a lobbyist, or an employer, principal, partner or a firm of a lobbyist if the gift is valued over \$100. If a political committee, committee of continuous existence, a lobbyist, or an employer, principal, partner or a firm of a lobbyist gives a gift valued between \$25 and \$100 to a RIPE, the donor of the gift is required to report the gift on a quarterly basis using a CE Form 30.

Honoraria are regulated by s. 112.3149, F.S. An “honorarium” is a payment of money or anything of value, directly or indirectly, to a RIPE, or to any person on his behalf, as consideration for a speech, address, oration, or other oral presentation by the RIPE, regardless of whether presented in person, recorded, or broadcast over the media. An “honorarium” also includes a writing by the RIPE, other than a book, which has been or is intended to be published. “Honorarium” does not include payment for services related to employment held outside the RIPE’s public position; ordinary payment or salary received for services related to the person’s public position; campaign contributions regulated by Ch. 106, F.S.; or payment of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event. Actual and reasonable related expenses also include event or meeting registration fees to the RIPE and his or her spouse.

A RIPE is prohibited from soliciting any honorarium related to his or her public duties. A RIPE is also prohibited from knowingly accepting an honorarium from a political committee, committee of continuous existence, a lobbyist, or a employer, principal, partner or a firm of a lobbyist. A political committee, committee of continuous existence, a lobbyist, or a employer, principal, partner or a firm of a lobbyist is prohibited from giving an honorarium to a RIPE. The statute requires annual disclosure of any honorarium-related expenses received on a CE Form 10.

Gifts from Certain Political Committees

Committees of continuous existence and political committees are statutory entities authorized in s. 106.04, F.S., and s. 106.03, F.S., respectively, to engage in certain political activities. Currently, s. 112.3148, F.S., prohibits a reporting individual or procurement employee from soliciting a “gift” from a committee of continuous existence or a political committee. “Gift” is defined in s. 112.312(9) and encompasses nearly anything of value. However, there are some items in that definition which are specifically excluded from the definition of “gift,” the most significant of which is a campaign contribution or expenditure regulated by Chapter 106 and/or federal law.² Current law also prohibits a reporting individual or procurement employee from accepting anything over \$100 in value. If a reporting individual or procurement employee

² Section 112.313(12)(b)2, F.S.

accepts a “gift” valued less than \$100, but greater than \$25, the committee of continuous existence or political committee must disclose the gift by filing a CE Form 30 with the Florida Commission on Ethics.

Blind Trusts

Currently, there is no provision of the Florida Statutes addressing the use of blind trusts by public officers.

State Public Officer Voting Conflicts

Under s. 112.3143(2), F.S., *no state public officer is prohibited from voting in an official capacity on any matter.* However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which 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; 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, 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.

Complaints Against Candidates

Under s. 112.324(2)(c), F.S., a complaint may not be filed against a candidate in any special, primary, or general election on election day or within the five days preceding the election. Additionally, that Section prohibits disclosure of the intent to file an ethics complaint against a candidate on an election day or within the five days preceding the primary, special, or general election.

Initiation of Investigations

Pursuant to s. 112.324(1), F.S., the Commission may only initiate an investigation upon receipt of a sworn complaint. When the Commission receives a complaint, the Executive Director reviews the complaint for “legal sufficiency.” If the Executive Director determines that the complaint *is not legally sufficient*, the complaint is brought before the Commission in executive session. In executive session, the Commission may: find the complaint sufficient and order an investigation; find the complaint insufficient, dismiss it, and notify the complainant that no investigation will be made; or the Commission may take such other action that it deems appropriate. If the complaint is dismissed as legally insufficient, a summary of the reasons for dismissing the complaint together with the complaint itself and all related documents become public record.

If the Executive Director determines that the complaint is sufficient to invoke the jurisdiction of the Commission, the Executive Director orders the complaint to be investigated. After the Executive Director orders the complaint to be investigated, it is assigned to a neutral investigator for investigation consistent with the Commission’s rules. After the investigation is completed the Commission reviews the complaint to determine whether probable cause exists to find a

violation of the Code of Ethics. If the Commission determines that probable cause does not exist, the complaint is dismissed and all records become open to the public. If the Commission determines that probable cause exists, the complaint, files, and any further proceedings become public record. The subject of any complaint may waive confidentiality of the complaint against him or her at any time during the proceedings. If confidentiality is waived, all records are open to the public and any proceedings will be conducted in the public session of the Commission.

If probable cause is found against a public officer or employee, the officer or employee has the right to a public hearing. Pursuant to s. 112.324(3), F.S., public hearings can be conducted by the full Commission, a single Commission member, or by the Division of Administrative Hearings. The Commission does not have the authority to impose punishments if a violation is found. Instead, s. 112.324 F.S., specifies who has the authority to impose punishment.

Ethics Training

Currently, the Code of Ethics does not require any public officer or employee to complete training that addresses the Sunshine Amendment (Article II, s. 8, Florida Constitution) or the Code of Ethics for Public Officers and Employees (Part III, Chapter 112, Florida Statutes).

Legislative Revolving Door Policies

Article II, Section 8(e), of the Florida Constitution prohibits members of the Legislature from personally representing another person or entity for compensation before their former body for a period of two years following vacation of office. Additionally, that Section prohibits members of the Legislature from personally representing another person or entity for compensation during term of office before any state agency other than judicial tribunals. These prohibitions are also codified in s. 112.313(9), F.S.

Dual Public Employment

Currently, there is no prohibition on members of the Legislature being employed by the state or any of its political subdivisions.

“Executive Branch Expenditure Ban”

The “Executive Branch Expenditure Ban” is located in s. 112.3215, F.S. That Section is the sister provision to the “Legislative Branch Expenditure Ban” in s. 11.045, F.S. The “Executive Branch Expenditure Ban” requires individuals to register with the Commission on ethics prior to engaging in lobbying the executive branch. Each lobbying firm is required to make certain disclosures and is required to maintain records corroborating those disclosures.³

Under “Executive Branch Expenditure Ban,” an official, member, or employee of the executive branch is prohibited from soliciting or accepting, directly or indirectly, an expenditure from a lobbyist or principal.⁴ For purposes of this prohibition, the term “expenditure” means a payment,

³ Section 112.3215(5), F.S.

⁴ Section 112.3215(6)(a), F.S.

distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term “expenditure” does not include 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 an 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).

III. Effect of Proposed Changes:

Financial Disclosure

Public Accessibility

The bill creates s. 112.31445, F.S., which requires the Commission to scan all CE Form 6 filers and make them available in an online searchable database beginning in the 2012 filing year. Then, the bill requires the Commission to prepare a proposal for submission to the President of the Senate and the Speaker of the House for the creation of an online financial disclosure filings system. The system would be similar to the system used by candidates, political committees, and others pursuant to Chapter 106 of the Florida Statutes. At a minimum, the proposal must:

- Mandate online filing system for CE Form 6 filers;
- Require an online secure login procedure which is secure from unauthorized access;
- Permit the filer, or his or her CPA, to file via the internet portal;
- Require online filings to be completed and filed by midnight of the due date;
- Specify that all filings are deemed to be made under oath by the filer;
- Require that the filings in the database must be accessible to the public;
- Discuss procedures, including notifying the Commission, if a filer’s login is compromised;
- Describe any necessary statutory or rule authority changes necessary;
- Provide for an alternative filing method in case the filing system is inoperable; and
- Provide for a receipt to be obtained verifying that the officer has filed his or her form.

The bill requires the Commission to submit their proposal by December 1, 2015.

Collection Tools

The bill gives the Commission greater ability to collect financial disclosure fines. Specifically, the bill amends ss. 112.3144 and 112.3145, F.S., to increase the statute of limitations for the Commission to collect unpaid financial disclosure fines from five years to twenty years. The bill creates s. 112.31455, F.S., which gives the Commission new tools to collect unpaid financial disclosure fines. That Section requires the Commission to determine whether the person who owes the fine is a public officer, public employee, or is currently receiving public contract payments. If the Commission determines that the person is still receiving such public payments,

then it must notify the Chief Financial Officer or governing body or board of the amount owed. Six months after receipt of the notice, the CFO or governing body/ board must withhold 10% of any payment made from public money, unless the fine is less than 10% of the payment. Additionally, the CFO or governing body/board may withhold up to 2% of each payment to compensate for administrative costs. If the Commission determines that the person is no longer a public officer, public employee, or receiving contractual payments from public funds, the bill gives the Commission the authority to seek a lien on real property, pursuant to Chapter 55, F.S., and/or garnishment of any wages, pursuant to Chapter 77, F.S., within the state six months after the order becomes final.

De Minimis Exception Procedures

The bill creates a new procedure for addressing de minimis errors or omissions in ss. 112.3144 and 112.3145, F.S., concerning complaints alleging violations of the financial disclosure requirement. Specifically, the bill creates an absolute “cure” by specifying that any amended disclosure form that is filed prior to September 1st is to be treated as the original filing, regardless of whether a complaint was filed during that period. If a complaint pertaining to the current year, or the preceding 5 years alleges a failure to properly and accurately disclose any required information, the Commission may immediately follow its normal complaint procedures in s. 112.324, F.S. However, a complaint filed after August 25, alleging an immaterial, inconsequential, or de minimis error or omission, the Commission must notify the filer that he or she has 30 days to file an amended financial disclosure form. If no amendment is filed within that timeframe, the Commission may continue with the complaint.

In the event that there is an error or omission made on the final financial disclosure filing, the filer has a grace period of 60 days from the date of the original filing to correct any errors, regardless of whether a complaint was filed. If a complaint is filed after sixty days alleging a complete omission of any information required to be disclosed, the Commission may immediately proceed with the complaint as provided for in s. 112.324, F.S. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the Commission must notify the filer that he or she has 30 days to file a new final financial disclosure form. If no amendment is filed within that timeframe, the Commission may continue with the complaint as provided in s. 112.324, F.S.

For purposes of these changes, the term “de minimis” is defined as an error or omission that is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest.

Preparation of Forms by a CPA /Safe Harbor

SPB 7006 amends ss. 112.3144 and 112.3145, F.S., to permit all filers to use a CPA to prepare their financial disclosure forms for filing. The bill requires the CPA to attest that he or she prepared the form in accordance with applicable industry standards, if any, and that the form is true and correct to the best of his or her knowledge. If a complaint is filed alleging a failure to disclose anything required to be disclosed, the Commission must determine whether the CPA was aware of the interest. If he or she was aware of the interest, but failed to disclose the interest, the officer cannot be held in violation for failure to disclose the item. The bill also amends ss.

112.3144 and 112.3145, F.S., to permit a candidate or elected officeholder to pay for the costs of the CPA from a campaign account created pursuant to s. 106.11, F.S., during the year that the individual qualifies for election to public office, or from his or her office account created pursuant to s. 106.141, F.S.

Candidate Qualifying Financial Disclosures

The bill amends ss. 112.3144 and 112.3145, F.S., to require that a qualifying officer to send an electronic copy of a candidate's financial disclosure form within three (3) days of receipt. The electronic copy sent to the Commission will satisfy that year's annual financial disclosure requirement. That provision only applies if the candidate qualifies before the deadline to file the annual financial disclosure filing. However, if the candidate qualifies after the candidate's financial disclosure form has been filed with the Commission or Supervisor of Elections, the candidate is required to file a copy of the disclosure form with his or her qualifying officer.

CE Form 1 Filing Requirements

The bill removes an outdated requirement in s. 112.3145, F.S., that members of an expressway authority or transportation authority file a CE Form 1. Those board members are required to file a CE Form 6 disclosure.⁵

The bill requires the following to file a statement of financial interests (CE Form1) pursuant to s. 112.3145, F.S.:

- Community Redevelopment Agency board members;
- Finance directors of counties, municipalities, or other political subdivisions;
- Criminal Conflict and Civil Regional Counsel; and,
- Assistant Criminal Conflict and Civil Regional Counsel.

Finally, the bill requires anyone filing a CE Form 1 to indicate whether the filer used the dollar value threshold or the comparative (percentage) threshold to determine whether the filer is required to disclose his or her interests.

Gifts and Honoraria

The bill amends the definition of "procurement employee" in ss. 112.3148 and 112.3149, F.S., to clarify that only those employees who have authority to make more than \$10,000 in purchases during the year are procurement employees.

The bill also incorporates a recommendation of the Commission and the Nineteenth Statewide Grand Jury that reporting individuals or procurement employees be prohibited from soliciting any gift or honoraria, accepting any gift in excess of \$100, or accepting any honoraria from a "vendor." A "vendor" is any business entity that is doing business directly with an agency, such as renting, leasing, or selling any realty, goods or services.

⁵ Ch. 2009-85, *Laws of Florida*.

Gifts from Certain Political Committees

The bill creates s. 112.31485, F.S., prohibiting a reporting individual or procurement employee, or a member of his or her immediate family, from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee or a committee of continuous existence. The bill also prohibits a political committee or a committee of continuous existence from giving, directly or indirectly, any gift to a reporting individual or procurement employee, or his or her immediate family.

For purposes of this section, the bill defines “gift” as any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to Chapter 106, F.S. “Immediate family” means parent, spouse, child, or sibling. Finally, in addition to the penalties available in s. 112.317, F.S., the bill requires a penalty equal to three times the amount of the gift payable to the State’s General Revenue Fund. The reporting individual, procurement employee, immediate family member, or an agent or person acting on behalf of a committee of continuous existence or a political committee is personally liable for the treble penalty. The bill deletes references in the “Gifts Law” in s. 112.3148, F.S., to conform.

Blind Trusts

SPB 7006 creates s. 112.31425, F.S., permitting public officers to create a blind trust and place their assets into the 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.

The bill prohibits certain relatives and other individuals from serving 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 give the trustee complete control over the assets including the power to dispose of and acquire property. The agreement must 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 Commission 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.

Assets placed in a blind 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.

State Public Officer Voting Conflicts

The bill defines the terms "principal" and "special private gain or loss" in s. 112.3143, F.S. For purposes of the bill, the term "principal" includes the parent organization or subsidiary of any person or entity by which the public officer is retained. The term "special private gain or loss" means an economic benefit or harm that would inure to the voting official or the voting official's relative, business associate, or principal in a unique way or disproportionate to other members of the group.

The bill prohibits a state public officer from voting on a measure that he or she *knows* will inure to his or her special private gain or loss. Under the bill, state public officers must disclose any interest when the officer *knows* a vote inures to his or her special private gain or loss. The bill maintains the current disclosure requirement concerning the interests of a relative; business associate; or principal by which the officer is retained. Further, state public officers *will be required to make every reasonable effort* to disclose any interest that is required to be disclosed prior to the vote but no later than 15 days after the vote occurs.

The bill clarifies in ss. 112.3143 and 112.3147, F.S., that members of the Legislature may satisfy the disclosure requirement using a form created pursuant to the rules of their respective house if the form contains all information required to be disclosed by s. 112.3143, F.S.

Complaints Against Candidates

Currently, s. 112.324, F.S., provides that a complaint against a candidate, or the intent to file a complaint against a candidate, may not be disclosed for a period of five days before a special, primary, or general election. The bill extends the period of time to thirty days before a special, primary, or general election, unless the complaint is based upon personal information or information other than hearsay.

Complaints and Investigative Proceedings

The bill amends s. 112.324, F.S., to authorize the Commission to initiate investigations based upon a referral received from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney. In order to investigate such a referral, a vote of six members of the Commission is required. The bill requires that records and proceedings associated with a referral remain confidential until: the Commission determines that it will not investigate the referral; the Commission determines whether probable cause exists to believe that a violation occurred; or,

the subject of the complaint waives confidentiality.⁶

The bill requires the Commission to dismiss any complaint, other than a complaint relating to financial disclosure filings, or referral at any stage of the proceedings if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the Commission shall consider whether the interests of the public were protected despite the violation. For purposes of this section, a “de minimis” violation is any violation that is unintentional and not material in nature.

Ethics Training

The bill creates s. 112.3142, F.S., requiring all constitutional officers to receive a minimum of four hours of training that addresses the Sunshine Amendment (Article II, Section 8, Florida Constitution), the Code of Ethics for Public Officers and Employees (Part III, Chapter 112, Florida Statutes), public records laws (Chapter 119, F.S.), and open meetings laws. The requirement can be satisfied by attending, or via recording of, a continuing legal education class, other continuing professional education class, seminar, or other presentation so long as the requirements herein are satisfied. The bill provides that an ethics training requirement for members of the Legislature is to be adopted by the rules of each respective house.

For purposes of the bill, “constitutional officers” means: the Governor, Lt. Governor, Attorney General, Chief Financial Officer, Agriculture Commissioner, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit courts, county commissioners, school board members, and school superintendents.

Legislative Revolving Door Policies

The bill amends s. 112.313(9), F.S., to prohibit a former member of the Legislature from lobbying *any* agency for a period of two years after vacation of office. Additionally, the former member is prohibited from becoming a partner, principal, or employee of a firm whose primary purpose is lobbying in a position the purpose of which is drafting, strategizing, consulting, advising or in any way working on matters that will come before the Legislature, or will provide networking or relationship building services with sitting members of the Legislature. This prohibition applies for a period of 2 years after vacation of office. The bill specifies that employment, partnership, or association with a principal, firm, or entity whose primary purpose is legislative lobbying is presumptively prohibited, unless either side requests an opinion of the Commission. If the former member affiliates with partnership, or association with a principal, firm, or entity whose primary purpose is legislative lobbying, that entity must file an annual statement attesting that the former member did not engage in any of the prohibited activities.

⁶ In order to exempt a referral from public records and open meetings laws, a second bill containing the public records and open meetings exemptions will be required pursuant to Article I, Section 24, Florida Constitution. That bill, SPB 7008, must pass by a 2/3 vote of each house.

The statement must be filed with either the Secretary of the Senate or the Clerk of the House of Representatives. If the former member served in both houses, then a form must be filed with both houses.

Dual Public Employment

The bill creates s. 112.3125, F.S., which prohibits an elected public officer or, for the period of his or her candidacy, any person who has qualified as a candidate for elected public office from accepting employment with the state or any of its political subdivisions. An exception is provided for persons who had public employment prior to qualifying for office. However, the candidate or member may not accept promotion, advancement, additional compensation, or other thing of value that he or she knows, or with the exercise of reasonable care should know, was given as a result of the officer's election or position as an officer, or that is otherwise inconsistent with the promotion, advancement, additional compensation, or things of value provided to other similarly-situated employees.

These provisions do not apply to a qualified person seeking a position as an educator whose primary duties are instructional, as opposed to managerial or administrative, in nature.

“Executive Branch Expenditure Ban” Changes

The bill amends s. 112.3215, F.S., so that its provisions parallel the provisions in the “Legislative Branch Expenditure Ban” in s. 11.045, F.S. Specifically, the bill authorizes the Commission to investigate whether a lobbyist has made a prohibited expenditure. The bill also specifies that lobbyists, or anyone required to be registered as a lobbyist, who knowingly fails to disclose any information required to be reported is subject to a penalty up to \$5,000. That new penalty is in addition to any penalty already authorized pursuant to s. 112.3215(10), F.S., which may be imposed by the Governor and Cabinet.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill creates a new exemption for public records and open meetings related to referrals to the Commission on Ethics from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney. These exemptions are the subject of a travelling companion bill, SPB 7008.

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.

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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The Committee on Ethics and Elections (Sobel) recommended the following:

Senate Amendment

Delete lines 242 - 245
and insert:

(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.



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The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment

Delete lines 524 - 528
and insert:

(d) "Special private gain or loss" means an economic benefit or harm that would inure to the voting official or the voting official's relative, business associate or principal in a unique way or disproportionately to other members of the group.



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The Committee on Ethics and Elections (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 530 - 542
and insert:
that the officer knows would inure to his or her special private gain or loss, or that the officer knows would inure to the gain or loss of a business that employs the officer or a business associate of the officer or that is owned in part or in whole by the officer or a business associate of the officer ~~is prohibited from voting in an official capacity on any matter. However,~~ Any state public officer who abstains from voting in an official capacity upon any measure that ~~which~~ the officer knows would



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13 inure to the officer's special private gain or loss or that the
14 officer knows would inure to the gain or loss of any business
15 that employs the officer or a business associate of the officer
16 or that is owned in part or in whole by the officer or a
17 business associate of the officer, which he or she knows would
18 inure to the special private gain or loss of any principal by
19 whom the officer is retained or to the parent organization or
20 subsidiary of a corporate principal by which the officer is
21 retained other than an agency as defined in s. 112.312(2); or
22 which the officer knows would inure to the special private gain
23 or loss of a relative ~~or business associate~~ of the public
24 officer, shall make every

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete lines 47 - 48

29 and insert:

30 officer knows would inure to his or her special
31 private gain or loss or the special private gain or
32 loss of a business associate; requiring that a
33 memorandum



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The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 555 - 560
and insert:

Section 7. Subsection (2) and paragraph (h) of subsection 5 of section 112.3144, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(2) A person who is required, pursuant to s. 8, Art. II of



825436

13 the State Constitution, to file a full and public disclosure of
14 financial interests and who has filed a full and public
15 disclosure of financial interests for any calendar or fiscal
16 year shall not be required to file a statement of financial
17 interests pursuant to s. 112.3145(2) and (3) for the same year
18 or for any part thereof notwithstanding any requirement of this
19 part., ~~except that~~ A candidate for office who has filed a full
20 and public disclosure of financial interests when qualifying as
21 a candidate before July 1 shall file a copy of that disclosure
22 with the commission, instead of filing a second original
23 disclosure as the annual disclosure required under this section.
24 A candidate who does not qualify until after the annual full and
25 public disclosure has been filed pursuant to this section shall
26 file a copy of his or her disclosure with the officer before
27 whom he or she qualifies.

28 Delete lines 684 - 689

29 and insert:

30 Section 9. Paragraphs (a) and (b) of subsection (1),
31 paragraph (a) of subsection (2), subsection (3), and paragraph
32 (i) of subsection (6) of section 112.3145, Florida Statutes, are
33 amended, present subsection (9) of that section is renumbered as
34 subsection (11), and new subsections (9) and (10) are added to
35 that section to read:

36 112.3145 Disclosure of financial interests and clients
37 represented before agencies.—

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

40 (a) "Local officer" means:

41 1. Every person who is elected to office in any political



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42 subdivision of the state, and every person who is appointed to
43 fill a vacancy for an unexpired term in such an elective office.

44 2. Any appointed member of any of the following boards,
45 councils, commissions, authorities, or other bodies of any
46 county, municipality, school district, independent special
47 district, or other political subdivision of the state:

48 a. The governing body of the political subdivision, if
49 appointed;

50 ~~b. An expressway authority or transportation authority~~
51 ~~established by general law;~~

52 ~~b.e.~~ A community college or junior college district board
53 of trustees;

54 ~~c.d.~~ A board having the power to enforce local code
55 provisions;

56 ~~d.e.~~ A planning or zoning board, board of adjustment, board
57 of appeals, community redevelopment agency board, or other board
58 having the power to recommend, create, or modify land planning
59 or zoning within the political subdivision, except for citizen
60 advisory committees, technical coordinating committees, and such
61 other groups who only have the power to make recommendations to
62 planning or zoning boards;

63 ~~e.f.~~ A pension board or retirement board having the power
64 to invest pension or retirement funds or the power to make a
65 binding determination of one's entitlement to or amount of a
66 pension or other retirement benefit; or

67 ~~f.g.~~ Any other appointed member of a local government board
68 who is required to file a statement of financial interests by
69 the appointing authority or the enabling legislation, ordinance,
70 or resolution creating the board.



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71 3. Any person holding one or more of the following
72 positions: mayor; county or city manager; chief administrative
73 employee of a county, municipality, or other political
74 subdivision; county or municipal attorney; finance director of a
75 county, municipality, or other political subdivision; chief
76 county or municipal building code inspector; county or municipal
77 water resources coordinator; county or municipal pollution
78 control director; county or municipal environmental control
79 director; county or municipal administrator, with power to grant
80 or deny a land development permit; chief of police; fire chief;
81 municipal clerk; district school superintendent; community
82 college president; district medical examiner; or purchasing
83 agent having the authority to make any purchase exceeding the
84 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
85 behalf of any political subdivision of the state or any entity
86 thereof.

87 (b) "Specified state employee" means:

88 1. Public counsel created by chapter 350, an assistant
89 state attorney, an assistant public defender, a criminal
90 conflict and civil regional counsel, an assistant criminal
91 conflict and civil regional counsel, a full-time state employee
92 who serves as counsel or assistant counsel to any state agency,
93 the Deputy Chief Judge of Compensation Claims, a judge of
94 compensation claims, an administrative law judge, or a hearing
95 officer.

96 2. Any person employed in the office of the Governor or in
97 the office of any member of the Cabinet if that person is exempt
98 from the Career Service System, except persons employed in
99 clerical, secretarial, or similar positions.



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100 3. The State Surgeon General or each appointed secretary,
101 assistant secretary, deputy secretary, executive director,
102 assistant executive director, or deputy executive director of
103 each state department, commission, board, or council; unless
104 otherwise provided, the division director, assistant division
105 director, deputy director, bureau chief, and assistant bureau
106 chief of any state department or division; or any person having
107 the power normally conferred upon such persons, by whatever
108 title.

109 4. The superintendent or institute director of a state
110 mental health institute established for training and research in
111 the mental health field or the warden or director of any major
112 state institution or facility established for corrections,
113 training, treatment, or rehabilitation.

114 5. Business managers, purchasing agents having the power to
115 make any purchase exceeding the threshold amount provided for in
116 s. 287.017 for CATEGORY ONE, finance and accounting directors,
117 personnel officers, or grants coordinators for any state agency.

118 6. Any person, other than a legislative assistant exempted
119 by the presiding officer of the house by which the legislative
120 assistant is employed, who is employed in the legislative branch
121 of government, except persons employed in maintenance, clerical,
122 secretarial, or similar positions.

123 7. Each employee of the Commission on Ethics.

124 (2) (a) A person seeking nomination or election to a state
125 or local elective office shall file a statement of financial
126 interests together with, and at the same time he or she files,
127 qualifying papers. A candidate for office who has filed a
128 statement of financial interests when qualifying as a candidate



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129 before July 1 shall file a copy of that statement with the
130 commission, instead of filing a second original statement, as
131 the annual disclosure required pursuant to this section, and a
132 candidate who does not qualify until after the annual statement
133 of financial interests has been filed under this section shall
134 file a copy of his or her disclosure with the officer before
135 whom he or she qualifies.

136 (3) The statement of financial interests for state
137 officers, specified state employees, local officers, and persons
138 seeking to qualify as candidates for state or local office shall
139 be filed even if the reporting person holds no financial
140 interests requiring disclosure, in which case the statement
141 shall be marked "not applicable." Otherwise, the statement of
142 financial interests shall include, at the filer's option,
143 either:

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

151 2. All sources of income to a business entity in excess of
152 10 percent of the gross income of a business entity in which the
153 reporting person held a material interest and from which he or
154 she received an amount which was in excess of 10 percent of his
155 or her gross income during the disclosure period and which
156 exceeds \$1,500. The period for computing the gross income of the
157 business entity is the fiscal year of the business entity which



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158 ended on, or immediately prior to, the end of the disclosure
159 period of the person reporting;

160 3. The location or description of real property in this
161 state, except for residences and vacation homes, owned directly
162 or indirectly by the person reporting, when such person owns in
163 excess of 5 percent of the value of such real property, and a
164 general description of any intangible personal property worth in
165 excess of 10 percent of such person's total assets. For the
166 purposes of this paragraph, indirect ownership does not include
167 ownership by a spouse or minor child; and

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

170 (b)1. All sources of gross income in excess of \$2,500
171 received during the disclosure period by the person in his or
172 her own name or by any other person for his or her use or
173 benefit, excluding public salary. However, this shall not be
174 construed to require disclosure of a business partner's sources
175 of income. The person reporting shall list such sources in
176 descending order of value with the largest source first;

177 2. All sources of income to a business entity in excess of
178 10 percent of the gross income of a business entity in which the
179 reporting person held a material interest and from which he or
180 she received gross income exceeding \$5,000 during the disclosure
181 period. The period for computing the gross income of the
182 business entity is the fiscal year of the business entity which
183 ended on, or immediately prior to, the end of the disclosure
184 period of the person reporting;

185 3. The location or description of real property in this
186 state, except for residence and vacation homes, owned directly



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187 or indirectly by the person reporting, when such person owns in
188 excess of 5 percent of the value of such real property, and a
189 general description of any intangible personal property worth in
190 excess of \$10,000. For the purpose of this paragraph, indirect
191 ownership does not include ownership by a spouse or minor child;
192 and

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

194
195 A person filing a statement of financial interests shall
196 indicate on the statement whether he or she is using the method
197 specified in paragraph (a) or paragraph (b) of this subsection.
198

199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete line 53

202 and insert:

203 her respective house; amending s. 112.3144, F.S.;
204 authorizing a candidate to file the same full and
205 public disclosure of financial interests with his or
206 her qualifying officer or the commission under
207 specified conditions;

208 Delete line 91

209 and insert:

210 commission's proposal; amending s. 112.3145, F.S.;
211 revising the definitions of "local officer" and
212 "specified state employee"; authorizing a candidate to
213 file the same statement of financial interests with
214 his or her qualifying officer or the commission under
215 specified conditions; requiring a person filing a



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statement of financial interest to indicate the method
of reporting income;



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The Committee on Ethics and Elections (Clemens) recommended the following:

1 **Senate Amendment to Amendment (825436) (with title**
2 **amendment)**

3
4 Delete lines 19 - 27

5 and insert:

6 part ~~., except that a candidate for office~~ When a candidate has
7 qualified for office, the qualifying officer shall, within 3
8 days of receipt of the full and public disclosure of financial
9 interests, forward an electronic copy of the full and public
10 disclosure to the commission. The electronic copy of the full
11 and public disclosure of financial interests satisfies the
12 annual disclosure requirement of this section. A candidate who



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13 does not qualify until after the annual full and public
14 disclosure has been filed pursuant to this section shall file a
15 copy of his or her disclosure with the officer before whom he or
16 she qualifies.

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete lines 204 - 207

21 and insert:

22 requiring the qualifying officer to electronically
23 transmit a full and public disclosure of financial
24 interests of a qualified candidate to the commission;



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The Committee on Ethics and Elections (Clemens) recommended the following:

1 **Senate Amendment to Amendment (825436) (with title**
2 **amendment)**

3
4 Delete lines 127 - 135
5 and insert:
6 qualifying papers. When a candidate has qualified for office,
7 the qualifying officer shall, within 3 days of receipt of the
8 statement of financial interests, forward an electronic copy of
9 the statement of financial interests to the commission. The
10 electronic copy of the statement of financial interests
11 satisfies the annual disclosure requirement of this section. A
12 candidate who does not qualify until after the annual statement



13 of financial interests has been filed pursuant to this section
14 shall file a copy of his or her statement with the officer
15 before whom he or she qualifies.

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete lines 212 - 215

20 and insert:

21 "specified state employee"; requiring the qualifying
22 officer to electronically transmit a statement of
23 financial interests of a qualified candidate to the
24 commission; requiring a person filing a



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The Committee on Ethics and Elections (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 555 - 560
and insert:

Section 7. Subsection (2) and paragraph (h) of subsection (5) of section 112.3144, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of



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13 financial interests and who has filed a full and public
14 disclosure of financial interests for any calendar or fiscal
15 year shall not be required to file a statement of financial
16 interests pursuant to s. 112.3145(2) and (3) for the same year
17 or for any part thereof notwithstanding any requirement of this
18 part. ~~except that~~ A candidate for office shall file a copy of
19 his or her disclosure with the officer before whom he or she
20 qualifies. If a candidate has qualified for office with the
21 Division of Elections and filed a full and public disclosure of
22 financial interests with the division before qualifying as a
23 candidate, the division shall, within 3 days after receipt of
24 the disclosure, forward to the commission an electronic copy of
25 the full and public disclosure of financial interests. The
26 electronic copy of the full and public disclosure of financial
27 interests forwarded by the division satisfies the filing
28 requirements with the commission pursuant to this section.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 54

33 and insert:

34 requiring the Division of Elections to electronically
35 transmit a full and public disclosure of financial
36 interests of a qualified candidate to the commission;
37 authorizing the commission or the Department of



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The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 813 - 856
and insert:

Section 12. Paragraph (e) of subsection (2) of section 112.3148, Florida Statutes is amended and paragraph (f) is added to that subsection, and subsections (3) through (5) of that section are amended, to read

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

(2) As used in this section:



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13 (e) "Procurement employee" means any employee of an
14 officer, department, board, commission, ~~or~~ council, or agency of
15 the executive branch or judicial branch of state government who
16 has participated in the preceding 12 months ~~participates~~ through
17 decision, approval, disapproval, recommendation, preparation of
18 any part of a purchase request, influencing the content of any
19 specification or procurement standard, rendering of advice,
20 investigation, or auditing or in any other advisory capacity in
21 the procurement of contractual services or commodities as
22 defined in s. 287.012, if the cost of such services or
23 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
24 any year.

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

28 (3) A reporting individual or procurement employee is
29 prohibited from soliciting any gift from ~~a political committee~~
30 ~~or committee of continuous existence, as defined in s. 106.011,~~
31 ~~or from~~ a vendor doing business with the reporting individual's
32 or procurement employee's agency or from a lobbyist who lobbies
33 the reporting individual's or procurement employee's agency, or
34 the partner, firm, employer, or principal of such lobbyist,
35 where such gift is for the personal benefit of the reporting
36 individual or procurement employee, another reporting individual
37 or procurement employee, or any member of the immediate family
38 of a reporting individual or procurement employee.

39 (4) A reporting individual or procurement employee or any
40 other person on his or her behalf is prohibited from knowingly
41 accepting, directly or indirectly, a gift from ~~a political~~



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42 ~~committee or committee of continuous existence, as defined in s.~~
43 ~~106.011, or from~~ a vendor doing business with the reporting
44 individual's or procurement employee's agency or from a lobbyist
45 who lobbies the reporting individual's or procurement employee's
46 agency, or directly or indirectly on behalf of the partner,
47 firm, employer, or principal of a lobbyist, if he or she knows
48 or reasonably believes that the gift has a value in excess of
49 \$100; however, such a gift may be accepted by such person on
50 behalf of a governmental entity or a charitable organization. If
51 the gift is accepted on behalf of a governmental entity or
52 charitable organization, the person receiving the gift shall not
53 maintain custody of the gift for any period of time beyond that
54 reasonably necessary to arrange for the transfer of custody and
55 ownership of the gift.

56 (5) (a) ~~A political committee or a committee of continuous~~
57 ~~existence, as defined in s. 106.011~~ A vendor doing business with
58 the reporting individual's or procurement employee's agency; a
59 lobbyist who lobbies a reporting individual's or procurement
60 employee's agency; the partner, firm, employer, or principal of
61 a lobbyist; or another on behalf of the lobbyist or partner,
62 firm, principal, or employer of the lobbyist is prohibited from
63 giving, either directly or indirectly, a gift that has a value
64 in excess of \$100 to the reporting individual or procurement
65 employee or any other person on his or her behalf; however, such
66 person may give a gift having a value in excess of \$100 to a
67 reporting individual or procurement employee if the gift is
68 intended to be transferred to a governmental entity or a
69 charitable organization.

70



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71 Between lines 907 and 908

72 insert:

73 Section 14. Paragraph (e) of subsection (1) of section
74 112.3149, Florida Statutes, is amended and paragraph (f) is
75 added to that subsection, and subsections (3) and (4) of that
76 subsection are amended, to read:

77 112.3149 Solicitation and disclosure of honoraria.—

78 (1) As used in this section:

79 (e) "Procurement employee" means any employee of an
80 officer, department, board, commission, ~~or~~ council, or agency of
81 the executive branch or judicial branch of state government who
82 has participated in the preceding 12 months ~~participates~~ through
83 decision, approval, disapproval, recommendation, preparation of
84 any part of a purchase request, influencing the content of any
85 specification or procurement standard, rendering of advice,
86 investigation, or auditing or in any other advisory capacity in
87 the procurement of contractual services or commodities as
88 defined in s. 287.012, if the cost of such services or
89 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

93 (3) A reporting individual or procurement employee is
94 prohibited from knowingly accepting an honorarium from a
95 political committee or committee of continuous existence, as
96 defined in s. 106.011, from a vendor doing business with the
97 reporting individual's or procurement employee's agency, from a
98 lobbyist who lobbies the reporting individual's or procurement
99 employee's agency, or from the employer, principal, partner, or



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100 firm of such a lobbyist.

101 (4) A political committee or committee of continuous
102 existence, as defined in s. 106.011, a vendor doing business
103 with the reporting individual's or procurement employee's
104 agency, a lobbyist who lobbies a reporting individual's or
105 procurement employee's agency, or the employer, principal,
106 partner, or firm of such a lobbyist is prohibited from giving an
107 honorarium to a reporting individual or procurement employee.

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete line 144

112 and insert:

113 commission; amending s. 112.3148, F.S.; revising the
114 definition of "procurement employee"; creating a
115 definition for "vendor"; prohibiting a reporting
116 individual or procurement employee from soliciting or
117 knowingly accepting a gift from a vendor; deleting

118

119 Delete line 162

120 and insert:

121 thereto; amending s. 112.3149, F.S.; revising the
122 definition of "procurement employee"; creating a
123 definition for "vendor"; prohibiting a reporting
124 individual or procurement employee from knowingly
125 accepting an honorarium from a vendor; prohibiting a
126 vendor from giving an honorarium to a reporting
127 individual or procurement employee; amending s.
128 112.324, F.S.; authorizing



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LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: FAV | . | |
| 01/23/2013 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 1009 and 1010
insert:

Section 15. Paragraphs (a) and (c) of subsection (8) of section 112.3215, Florida Statutes, are amended, present subsections (11) through (14) are renumbered as (12) through (15), respectively, and a new subsection (11) is created to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.-



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13 (8) (a) The commission shall investigate every sworn
14 complaint that is filed with it alleging that a person covered
15 by this section has failed to register, has failed to submit a
16 compensation report, has made a prohibited expenditure or has
17 knowingly submitted false information in any report or
18 registration required in this section.

19 (c) The commission shall investigate any lobbying firm,
20 lobbyist, principal, agency, officer, or employee upon receipt
21 of information from a sworn complaint or from a random audit of
22 lobbying reports indicating a possible violation other than a
23 late-filed report.

24 (11) Any person who is required to be registered or to provide
25 information under this section or under rules adopted pursuant
26 to this section and who knowingly fails to disclose any material
27 fact that is required by this section or by rules adopted
28 pursuant to this section, or who knowingly provides false
29 information on any report required by this section or by rules
30 adopted pursuant to this section, commits a noncriminal
31 infraction, punishable by a fine not to exceed \$5,000. Such
32 penalty is in addition to any other penalty assessed by the
33 Governor and Cabinet pursuant to subsection (10).

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 162

38 and insert:

39 thereto; amending s. 112.3215, F.S.; authorizing the
40 commission to investigate sworn complaints alleging a
41 prohibited expenditure; authorizing the commission to



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42 investigate a lobbyist or principal upon a sworn
43 complaint or random audit; providing a civil penalty;
44 amending s. 112.324, F.S.; authorizing

FOR CONSIDERATION By the Committee on Ethics and Elections

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1 A bill to be entitled
 2 An act relating to ethics; amending s. 112.312, F.S.;
 3 revising the definition of "gift" to exclude specified
 4 expenditures of a committee of continuous existence;
 5 creating s. 112.3125, F.S.; defining the term "public
 6 officer"; prohibiting public officers from accepting
 7 additional employment with the state or any of its
 8 political subdivisions; providing exceptions; amending
 9 s. 112.313, F.S.; providing that a member of the
 10 Legislature may not personally represent another
 11 person or entity for compensation before any state
 12 agency for a period of 2 years following vacation of
 13 office; providing exceptions; providing that no member
 14 of the Legislature may associate as a partner,
 15 principal, or employee of a firm whose primary purpose
 16 is lobbying the Legislature within the first 2 years
 17 after vacation of office under specified conditions;
 18 establishing filing requirements for a sworn
 19 statement; creating s. 112.3142, F.S.; defining the
 20 term "constitutional officers"; requiring
 21 constitutional officers to complete annual ethics
 22 training; specifying requirements for ethics training;
 23 requiring each of the Legislature to provide for
 24 ethics training pursuant to its rules; creating s.
 25 112.31425, F.S.; providing legislative findings;
 26 providing that holding an economic interest in a
 27 qualified blind trust is not a prohibited conflict of
 28 interest; providing that a public officer may not
 29 attempt to influence, exercise control of, or obtain

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30 information regarding the holdings of the qualified
 31 blind trust; prohibiting communication regarding the
 32 qualified blind trust between a public officer or a
 33 person having a beneficial interest in the trust and
 34 the trustee; providing exceptions; requiring a public
 35 officer to report the qualified blind trust and its
 36 value on his or her financial disclosure form under
 37 specified circumstances; establishing requirements for
 38 creation of a qualified blind trust; requiring a
 39 public officer who holds a qualified blind trust to
 40 file a notice with the Commission on Ethics; requiring
 41 a covered public official to file an amendment to his
 42 or her most recent financial disclosure statement
 43 under specified conditions; amending s. 112.3143,
 44 F.S.; providing definitions for "principal" and
 45 "special gain or loss"; requiring state public
 46 officers to abstain from voting on any matter that the
 47 officer knows would inure to his or her special
 48 private gain or loss; requiring that a memorandum
 49 filed after a vote be filed no later than 15 days
 50 after the vote; providing that a member of the
 51 Legislature satisfies the disclosure requirement by
 52 filing a form created pursuant to the rules of his or
 53 her respective house; amending s. 112.3144, F.S.;
 54 authorizing the commission or the Department of
 55 Financial Services to collect an unpaid fine within a
 56 specified period of the initial report of the
 57 automatic fine; providing timeframes for the filing of
 58 certain complaints; authorizing filing individuals to

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59 file an amended statement during a specified timeframe
 60 under specified conditions; authorizing the commission
 61 to immediately follow complaint procedures under
 62 specified conditions; prohibiting the commission from
 63 taking action on complaints alleging immaterial,
 64 inconsequential, or de minimis errors or omissions;
 65 providing what constitutes an immaterial,
 66 inconsequential, or de minimis error or omission;
 67 authorizing an individual required to file a
 68 disclosure to have the statement prepared by a
 69 certified public accountant; requiring a certified
 70 public accountant to attest to the veracity of the
 71 disclosure; requiring the commission to determine if a
 72 certified public accountant failed to disclose
 73 information provided by the filing individual on the
 74 filed statement; providing that the filing individual
 75 is not in violation of the section if a certified
 76 public accountant was in custody of such information
 77 but failed to disclose it on the statement;
 78 authorizing an elected officer or candidate to use
 79 funds in an office account or campaign depository to
 80 pay a certified public accountant for preparing a
 81 disclosure; creating s. 112.31445, F.S.; providing a
 82 definition for "electronic filing system"; requiring
 83 all disclosures of financial interests filed with the
 84 commission to be scanned and made publicly available
 85 on a searchable Internet database beginning with the
 86 2012 filing year; requiring the commission to submit a
 87 proposal to the President of the Senate and the

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88 Speaker of the House of Representatives for a
 89 mandatory electronic filing system by a specified
 90 date; establishing minimum requirements for the
 91 commission's proposal; amending s. 112.3145, F.S.;
 92 authorizing the commission or the Department of
 93 Financial Services to collect an unpaid fine within a
 94 specified period of the initial report of the
 95 automatic fine; providing timeframes for the filing of
 96 certain complaints; authorizing filing individuals to
 97 file an amended statement during a specified timeframe
 98 under specified conditions; authorizing the commission
 99 to immediately follow complaint procedures under
 100 specified conditions; prohibiting the commission from
 101 taking action on complaints alleging immaterial,
 102 inconsequential, or de minimis errors or omissions;
 103 providing what constitutes an immaterial,
 104 inconsequential, or de minimis error or omission;
 105 authorizing an individual required to file a
 106 disclosure to have the statement prepared by a
 107 certified public accountant; requiring a certified
 108 public accountant to attest to the veracity of the
 109 disclosure; requiring the commission to determine if a
 110 certified public accountant failed to disclose
 111 information provided by the filing individual on the
 112 filed statement; providing that the filing individual
 113 is not in violation of the section if a certified
 114 public accountant was in custody of such information
 115 but failed to disclose it on the statement;
 116 authorizing an elected officer or candidate to use

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117 funds in an office account or campaign depository to
 118 pay a certified public accountant for preparing a
 119 disclosure; creating s. 112.31455, F.S.; requiring the
 120 commission to determine whether an individual owing
 121 certain fines is a current public officer or public
 122 employee or is currently receiving public contract
 123 payments; requiring the commission to notify the Chief
 124 Financial Officer or the governing body of a county,
 125 municipality, or special district of the total amount
 126 of any fine owed to the commission by such
 127 individuals; requiring that the Chief Financial
 128 Officer or the governing body of a county,
 129 municipality, or special district begin withholding 10
 130 percent of any payment from public monies that would
 131 otherwise be paid to the current public officer,
 132 public employee, or individual currently receiving
 133 public contract payments; requiring that the withheld
 134 payments be remitted to the commission until the fine
 135 is satisfied; authorizing the Chief Financial Officer
 136 or the governing body to retain a percentage of
 137 payment for administrative costs; authorizing
 138 collection methods for the commission or the
 139 Department of Financial Services for individuals who
 140 are no longer public officers or public employees or
 141 who are no longer receiving public contract payments;
 142 amending s. 112.3147, F.S.; providing an exception to
 143 the requirement that all forms be prescribed by the
 144 commission; amending s. 112.3148, F.S.; deleting
 145 references to political committees and committees of

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146 continuous existence; creating s. 112.31485, F.S.;

147 providing definitions for "gift" and "immediate

148 family"; prohibiting a reporting individual or

149 procurement employee or a member of his or her

150 immediate family from soliciting or knowingly

151 accepting any gift from a political committee or

152 committee of continuous existence; prohibiting a

153 political committee or committee of continuous

154 existence from giving any gift to a reporting

155 individual or procurement employee or a member of his

156 or her immediate family; providing penalties for a

157 violation; requiring that individuals who violate this

158 section be held personally liable; reenacting ss.

159 112.317(1)-(5), F.S., relating to civil penalties, to

160 incorporate the amendments made to s. 112.3143, F.S.,

161 and the creation of s. 112.31485, F.S., in a reference

162 thereto; amending s. 112.324, F.S.; authorizing

163 specified parties to submit written referrals of a

164 possible violation of the Code of Ethics for Public

165 Officers and Employees or other possible breaches of

166 the public trust to the Commission on Ethics;

167 establishing procedures for the receipt of written

168 referrals by the commission; extending the period in

169 which the disclosure of the intent to file or the

170 filing of a complaint against a candidate is

171 prohibited; providing exceptions; requiring the

172 commission to dismiss a complaint of a de minimus

173 violation; providing exceptions; defining a de minimus

174 violation; reenacting s. 120.665, F.S., relating to

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175 disqualification of agency personnel, to incorporate
 176 the amendments to s. 112.3143, F.S., in a reference
 177 thereto; reenacting s. 286.012, F.S., relating to
 178 voting requirements at meetings of governmental
 179 bodies, to incorporate the amendments made to s.
 180 112.3143, F.S., in a reference thereto; reenacting s.
 181 287.175, F.S., relating to penalties, to incorporate
 182 the amendments made to s. 112.324, F.S., in a
 183 reference thereto; reenacting s. 288.901(1)(c), F.S.,
 184 relating to Enterprise Florida, Inc., to incorporate
 185 the amendments made to s. 112.3143, F.S., in a
 186 reference thereto; amending s. 445.007, F.S., and
 187 reenacting subsection (1), relating to regional
 188 workforce boards, to incorporate the amendments made
 189 to s. 112.3143, F.S., in a reference thereto;
 190 correcting cross-references; reenacting s.
 191 627.311(5)(m), F.S., relating to joint underwriters
 192 and joint reinsurers, to incorporate the amendments
 193 made to s. 112.3143, F.S., in a reference thereto;
 194 reenacting s. 627.351(6)(d), F.S., relating to
 195 Citizens Property Insurance Corporation, to
 196 incorporate the amendments made to s. 112.3143, F.S.;
 197 providing an effective date.

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

201 Section 1. Paragraph (b) of subsection (12) of section
 202 112.312, Florida Statutes, is amended to read:
 203 112.312 Definitions.—As used in this part and for purposes

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204 of the provisions of s. 8, Art. II of the State Constitution,
 205 unless the context otherwise requires:
 206 (12)
 207 (b) "Gift" does not include:
 208 1. Salary, benefits, services, fees, commissions, gifts, or
 209 expenses associated primarily with the donee's employment,
 210 business, or service as an officer or director of a corporation
 211 or organization.
 212 2. Except as provided in s. 112.31485, contributions or
 213 expenditures reported pursuant to chapter 106, contributions or
 214 expenditures reported pursuant to federal election law,
 215 campaign-related personal services provided without compensation
 216 by individuals volunteering their time, or any other
 217 contribution or expenditure by a political party or affiliated
 218 party committee.
 219 3. An honorarium or an expense related to an honorarium
 220 event paid to a person or the person's spouse.
 221 4. An award, plaque, certificate, or similar personalized
 222 item given in recognition of the donee's public, civic,
 223 charitable, or professional service.
 224 5. An honorary membership in a service or fraternal
 225 organization presented merely as a courtesy by such
 226 organization.
 227 6. The use of a public facility or public property, made
 228 available by a governmental agency, for a public purpose.
 229 7. Transportation provided to a public officer or employee
 230 by an agency in relation to officially approved governmental
 231 business.
 232 8. Gifts provided directly or indirectly by a state,

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233 regional, or national organization which promotes the exchange
 234 of ideas between, or the professional development of,
 235 governmental officials or employees, and whose membership is
 236 primarily composed of elected or appointed public officials or
 237 staff, to members of that organization or officials or staff of
 238 a governmental agency that is a member of that organization.

239 Section 2. Section 112.3125, Florida Statutes, is created
 240 to read:

241 112.3125 Dual public employment.-

242 (1) As used in this section, the term "public officer"
 243 includes any person who is elected to either house of the
 244 Legislature or, for the period of his or her candidacy, any
 245 person who has qualified as a candidate for legislative office.

246 (2) A public officer may not accept additional public
 247 employment with the state or any of its political subdivisions.

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

259 (4) This section does not apply to a qualified person
 260 seeking a position as an educator whose primary duties are
 261 instructional, as opposed to managerial or administrative, in

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262 nature.

263 Section 3. Paragraph (a) of subsection (9) of section
 264 112.313, Florida Statutes, is amended to read:

265 112.313 Standards of conduct for public officers, employees
 266 of agencies, and local government attorneys.-

267 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 268 LEGISLATORS AND LEGISLATIVE EMPLOYEES.-

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

274 2. As used in this paragraph:

275 a. "Employee" means:

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

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

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

288 (IV) An executive director, staff director, or deputy staff
 289 director of each joint committee, standing committee, or select
 290 committee of the Legislature; an executive director, staff

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291 director, executive assistant, analyst, or attorney of the
 292 Office of the President of the Senate, the Office of the Speaker
 293 of the House of Representatives, the Senate Majority Party
 294 Office, Senate Minority Party Office, House Majority Party
 295 Office, or House Minority Party Office; or any person, hired on
 296 a contractual basis, having the power normally conferred upon
 297 such persons, by whatever title.

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

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

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

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

315 3. No member of the Legislature, appointed state officer,
 316 or statewide elected officer shall personally represent another
 317 person or entity for compensation before the government body or
 318 agency of which the individual was an officer or member for a
 319 period of 2 years following vacation of office. No member of the

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320 Legislature shall personally represent another person or entity
 321 for compensation during his or her term of office, or for a
 322 period of 2 years following vacation of office, before any state
 323 agency other than judicial tribunals or in settlement
 324 negotiations after the filing of a lawsuit. No member shall
 325 associate as a partner, principal, or employee of a firm whose
 326 primary purpose is lobbying the Legislature for a period of 2
 327 years following vacation of office for the purpose of drafting,
 328 strategizing, consulting, advising or in any way working on
 329 matters that will come before the Legislature, or provide
 330 networking or relationship building services with sitting
 331 members of the Legislature. For purposes of this prohibition,
 332 employment, partnership, or association with a principal, firm,
 333 or entity whose primary purpose is legislative lobbying is
 334 presumptively prohibited unless the principal, firm, entity, or
 335 former member first seeks an opinion from the commission. The
 336 employer, association or partnership, principal, firm, or entity
 337 affiliating with a former member of the Legislature must file
 338 annually a sworn statement with the Secretary of the Senate or
 339 the Clerk of the House of Representatives affirming that the
 340 former member did not engage in any of the prohibited
 341 activities. If the former member who is employed as a lobbyist
 342 served in both houses of the Legislature, the employer,
 343 association or partnership, principal, firm, or entity
 344 affiliating with the former member must file the sworn statement
 345 with the Secretary of the Senate and the Clerk of the House of
 346 Representatives.

347 4. An agency employee, including an agency employee who was
 348 employed on July 1, 2001, in a Career Service System position

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349 that was transferred to the Selected Exempt Service System under
 350 chapter 2001-43, Laws of Florida, may not personally represent
 351 another person or entity for compensation before the agency with
 352 which he or she was employed for a period of 2 years following
 353 vacation of position, unless employed by another agency of state
 354 government.

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

359 6. This paragraph is not applicable to:

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

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

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

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

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

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

376 112.3142 Ethics training for specified constitutional
 377 officers.-

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

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

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

395 Section 5. Section 112.31425, Florida Statutes, is created
 396 to read:

397 112.31425 Qualified blind trusts.-

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

402 (2) If a public officer holds a beneficial interest in a
 403 qualified blind trust as described in this section, he or she
 404 does not have a conflict of interest prohibited under s.
 405 112.313(3) or (7) or a voting conflict of interest under s.
 406 112.3143 with regard to matters pertaining to that interest.

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

415 (4) Except for communications that consist solely of
 416 requests for distributions of cash or other unspecified assets
 417 of the trust, the public officer or the person who has a
 418 beneficial interest may not have any direct or indirect
 419 communication with the trustee with respect to the trust, unless
 420 such communication is in writing and relates only to:

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

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

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

432 (d) A direction to the trustee to sell all of an asset
 433 initially placed in the trust by the public officer which, in
 434 the determination of the public officer, creates a conflict of
 435 interest or the appearance thereof due to the subsequent

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436 assumption of duties by the public officer.

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

446 (6) In order to constitute a qualified blind trust, the
 447 trust established by the public officer must meet the following
 448 requirements:

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

450 1. The public officer's spouse, child, parent, grandparent,
 451 grandchild, brother, sister, parent-in-law, brother-in-law,
 452 sister-in-law, aunt, uncle, or first cousin, or the spouse of
 453 any such person;

454 2. A person who is an elected or appointed public officer
 455 or a public employee; or

456 3. A person who has been appointed to serve in an agency by
 457 the public officer or by a public officer or public employee
 458 supervised by the public officer.

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

460 1. Contain a statement that its purpose is to remove from
 461 the grantor control and knowledge of investment of trust assets
 462 so that conflicts between the grantor's responsibilities as a
 463 public officer and his or her private interests are eliminated.

464 2. Give the trustee complete discretion to manage the

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465 trust, including, but not limited to, the power to dispose of
 466 and acquire trust assets without consulting or notifying the
 467 covered public officer or the person having a beneficial
 468 interest in the trust.

469 3. Prohibit communication between the trustee and the
 470 public officer, or the person who has a beneficial interest in
 471 the trust, concerning the holdings or sources of income of the
 472 trust, except amounts of cash value or net income or loss, if
 473 such report does not identify any asset or holding, or except as
 474 provided in this section.

475 4. Provide that the trust tax return is prepared by the
 476 trustee or his or her designee and that any information relating
 477 thereto is not disclosed to the public officer or to the person
 478 who has a beneficial interest, except as provided in this
 479 section.

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

485 6. Prohibit the trustee from disclosing to the public
 486 officer or the person who has a beneficial interest any
 487 information concerning replacement assets to the trust, except
 488 for the minimum tax information that lists only the totals of
 489 taxable items from the trust and does not describe the source of
 490 individual items of income.

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

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494 1. The date that the agreement is executed;
 495 2. The name and address of the trustee; and
 496 3. The acknowledgement by the trustee that he or she has
 497 agreed to serve as trustee.

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

511 Section 6. Subsections (1) and (2) of section 112.3143,
 512 Florida Statutes, are amended to read:

513 112.3143 Voting conflicts.—

514 (1) As used in this section:

515 (a) "Principal" includes the parent organization or
 516 subsidiary of any person or entity by which the public officer
 517 is retained.

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

521 (c)-(b) "Relative" means any father, mother, son, daughter,
 522 husband, wife, brother, sister, father-in-law, mother-in-law,

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523 son-in-law, or daughter-in-law.

524 (d) "Special private gain or loss" means an economic
 525 benefit or harm that the voting official knows would inure to
 526 the voting official or his or her relative, business associate,
 527 or principal in a unique way or disproportionate to other
 528 members of the group.

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

551 (b) A member of the Legislature may satisfy the disclosure

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552 requirements of this section by filing a disclosure form created
 553 pursuant to the rules of the member's respective house if the
 554 member discloses the information required by this subsection.

555 Section 7. Paragraph (h) of subsection (5) of section
 556 112.3144, Florida Statutes, is amended, present subsection (7)
 557 is renumbered as subsection (9), and new subsections (7) and (8)
 558 are added to that section, to read:

559 112.3144 Full and public disclosure of financial
 560 interests.-

561 (5) Forms for compliance with the full and public
 562 disclosure requirements of s. 8, Art. II of the State
 563 Constitution shall be created by the Commission on Ethics. The
 564 commission shall give notice of disclosure deadlines and
 565 delinquencies and distribute forms in the following manner:

566 (h) Notwithstanding any provision of chapter 120, any fine
 567 imposed under this subsection which is not waived by final order
 568 of the commission and which remains unpaid more than 60 days
 569 after the notice of payment due or more than 60 days after the
 570 commission renders a final order on the appeal must be submitted
 571 to the Department of Financial Services as a claim, debt, or
 572 other obligation owed to the state, and the department shall
 573 assign the collection of such fine to a collection agent as
 574 provided in s. 17.20. The commission or the Department of
 575 Financial Services may take action to collect any unpaid fine
 576 imposed by this subsection within 20 years after the automatic
 577 fine is initially reported to the Department of Financial
 578 Services.

579 (7) (a) The commission shall treat an amended full and
 580 public disclosure of financial interests that is filed prior to

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581 September 1 of the current year as the original filing,
 582 regardless of whether a complaint has been filed. If a complaint
 583 pertaining to the current year alleges a failure to properly and
 584 accurately disclose any information required by this section or
 585 if a complaint filed pertaining to a previous reporting period
 586 within the preceding 5 years alleges a failure to properly and
 587 accurately disclose any information required to be disclosed by
 588 this section, the commission may immediately follow complaint
 589 procedures in s. 112.324. However, if a complaint filed after
 590 August 25 alleges an immaterial, inconsequential, or de minimis
 591 error or omission, the commission may not take any action on the
 592 complaint, other than notifying the filer of the complaint. The
 593 filer must be given 30 days to file an amended full and public
 594 disclosure of financial interests correcting any errors. If the
 595 filer does not file an amended full and public disclosure of
 596 financial interests within 30 days after the commission sends
 597 notice of the complaint, the commission may continue with
 598 proceedings pursuant to s. 112.324.

599 (b) For purposes of the final full and public disclosure of
 600 financial interests, the commission shall treat a new final full
 601 and public disclosure of financial interests as the original
 602 filing if filed within 60 days after the original filing,
 603 regardless of whether a complaint has been filed. If, more than
 604 60 days after a final full and public disclosure of financial
 605 interests is filed, a complaint is filed alleging a complete
 606 omission of any information required to be disclosed by this
 607 section, the commission may immediately follow the complaint
 608 procedures in s. 112.324. However, if the complaint alleges an
 609 immaterial, inconsequential, or de minimis error or omission,

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610 the commission may not take any action on the complaint, other
 611 than notifying the filer of the complaint. The filer must be
 612 given 30 days to file a new final full and public disclosure of
 613 financial interests correcting any errors. If the filer does not
 614 file a new final full and public disclosure of financial
 615 interests within 30 days after the commission sends notice of
 616 the complaint, the commission may continue with proceedings
 617 pursuant to s. 112.324.

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

622 (8) (a) An individual required to file a disclosure pursuant
 623 to this section may have the disclosure prepared by a certified
 624 public accountant licensed in this state. The certified public
 625 accountant must attest on the form that he or she prepared the
 626 disclosure in accordance with applicable industry standards, if
 627 any, and that, upon his or her reasonable knowledge and belief,
 628 the disclosure is true and correct. If a complaint is filed
 629 alleging a failure to disclose information required by this
 630 section, the commission shall determine whether the information
 631 was disclosed to the certified public accountant. The failure of
 632 the certified public accountant to accurately transcribe
 633 information provided by the individual required to file is not a
 634 violation of this section.

635 (b) An elected officer or candidate who chooses to use a
 636 certified public accountant to prepare his or her disclosure may
 637 pay for the services of the certified public accountant from
 638 funds in an office account created pursuant to s. 106.141 or,

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639 during a year that the individual qualifies for election to
 640 public office, the candidate's campaign depository pursuant to
 641 s. 106.021.

642 Section 8. Section 112.31445, Florida Statutes, is created
 643 to read:

644 112.31445 Electronic filing system; full and public
 645 disclosure of financial interests.—

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

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

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

659 (a) Provide for access through the Internet.

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

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

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

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668 (e) Provide a method for a certified public accountant
 669 licensed in this state to attest that he or she prepared the
 670 disclosure in accordance with applicable industry standards, if
 671 any, and that, upon his or her reasonable knowledge and belief,
 672 the form is true and correct.

673 (f) Address whether additional statutory or rulemaking
 674 authority is necessary for implementation of the system, and
 675 must include, at a minimum, the following elements: alternate
 676 filing procedures to be used in the event that the commission's
 677 electronic filing system is inoperable, issuance of an
 678 electronic receipt via electronic mail indicating and verifying
 679 to the individual who submitted the full and public disclosure
 680 of financial interests form that the form has been filed, and a
 681 determination of the feasibility and necessity of including
 682 statements of financial interests filed pursuant to s. 112.3145
 683 in the proposed system.

684 Section 9. Paragraph (i) of subsection (6) of section
 685 112.3145, Florida Statutes, is amended, present subsection (9)
 686 of that section is renumbered as subsection (11), and new
 687 subsections (9) and (10) are added to that section, to read:

688 112.3145 Disclosure of financial interests and clients
 689 represented before agencies.—

690 (6) Forms for compliance with the disclosure requirements
 691 of this section and a current list of persons subject to
 692 disclosure shall be created by the commission and provided to
 693 each supervisor of elections. The commission and each supervisor
 694 of elections shall give notice of disclosure deadlines and
 695 delinquencies and distribute forms in the following manner:

696 (i) Notwithstanding any provision of chapter 120, any fine

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697 imposed under this subsection which is not waived by final order
 698 of the commission and which remains unpaid more than 60 days
 699 after the notice of payment due or more than 60 days after the
 700 commission renders a final order on the appeal must be submitted
 701 to the Department of Financial Services as a claim, debt, or
 702 other obligation owed to the state, and the department shall
 703 assign the collection of such a fine to a collection agent as
 704 provided in s. 17.20. The commission or the Department of
 705 Financial Services may take action to collect any unpaid fine
 706 imposed by this subsection within 20 years after the automatic
 707 fine is initially reported to the Department of Financial
 708 Services.

709 (9) (a) The commission shall treat an amended statement of
 710 financial interests that is filed prior to September 1 of the
 711 current year as the original filing, regardless of whether a
 712 complaint has been filed. If a complaint pertaining to the
 713 current year alleges a failure to properly and accurately
 714 disclose any information required by this section or if a
 715 complaint filed pertaining to a previous reporting period within
 716 the preceding 5 years alleges a failure to properly and
 717 accurately disclose of any information required to be disclosed
 718 by this section, the commission may immediately follow complaint
 719 procedures in s. 112.324. However, if a complaint filed after
 720 August 25 alleges an immaterial, inconsequential, or de minimis
 721 error or omission, the commission may not take any action on the
 722 complaint, other than notifying the filer of the complaint. The
 723 filer must be given 30 days to file an amended statement of
 724 financial interests correcting any errors. If the filer does not
 725 file an amended statement of financial interests within 30 days

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726 after the commission sends notice of the complaint, the
 727 commission may continue with proceedings pursuant to s. 112.324.

728 (b) For purposes of the final statement of financial
 729 interests, the commission shall treat a new final statement of
 730 financial interests, as the original filing, if filed within 60
 731 days of the original filing regardless of whether a complaint
 732 has been filed. If, more than 60 days after a final statement of
 733 financial interests is filed, a complaint is filed alleging a
 734 complete omission of any information required to be disclosed by
 735 this section, the commission may immediately follow the
 736 complaint procedures in s. 112.324. However, if the complaint
 737 alleges an immaterial, inconsequential, or de minimis error or
 738 omission, the commission may not take any action on the
 739 complaint other than notifying the filer of the complaint. The
 740 filer must be given 30 days to file a new final statement of
 741 financial interests correcting any errors. If the filer does not
 742 file a new final statement of financial interests within 30 days
 743 after the commission sends notice of the complaint, the
 744 commission may continue with proceedings pursuant to s. 112.324.

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

749 (10) (a) An individual required to file a disclosure
 750 pursuant to this section may have the disclosure prepared by a
 751 certified public accountant licensed in this state. The
 752 certified public accountant must attest on the form that he or
 753 she prepared the disclosure in accordance with applicable
 754 industry standards, if any, and that, upon his or her reasonable

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 755 knowledge and belief, the disclosure is true and correct. If a
 756 complaint is filed alleging a failure to disclose information
 757 required by this section, the commission shall determine whether
 758 the information was disclosed to the certified public
 759 accountant. If the certified public accountant had the
 760 information, but failed to accurately transcribe it onto the
 761 form in the manner required, the filing individual in not in
 762 violation of this section.

763 (b) An elected officer or candidate who chooses to use a
 764 certified public accountant to prepare his or her disclosure may
 765 pay for the services of the certified public accountant from
 766 funds in an office account created pursuant to s. 106.141 or,
 767 during a year that the individual qualifies for election to
 768 public office, the candidate's campaign depository pursuant to
 769 s. 106.021.

770 Section 10. Section 112.31455, Florida Statutes, is created
 771 to read:

772 112.31455 Collection methods for unpaid automatic fines for
 773 failure to timely file disclosure of financial interests.-

774 (1) Before referring any unpaid fine accrued pursuant to s.
 775 112.3144(5) or s. 112.3145(6) to the Department of Financial
 776 Services, the commission shall determine whether the individual
 777 owing such a fine is a current public officer or current public
 778 employee or is currently receiving public contract payments. If
 779 so, the commission shall notify the Chief Financial Officer or
 780 the governing body of the appropriate county, municipality, or
 781 special district of the total amount of any fine owed to the
 782 commission by such individual.

783 (a) Six months after receipt of notice from the commission,

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 784 the Chief Financial Officer or the governing body of the county,
 785 municipality, or special district shall begin withholding 10
 786 percent of any payment made from public moneys or any lesser
 787 amount that will satisfy the outstanding fine, less applicable
 788 state and federal taxes. The withheld payments shall be remitted
 789 to the commission until the fine is satisfied.

790 (b) The Chief Financial Officer or the governing body of
 791 the county, municipality, or special district may retain up to 2
 792 percent of each payment made in order to cover the
 793 administrative costs incurred under this section.

794 (2) If the commission determines that the individual who is
 795 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
 796 or s. 112.3145(6) is no longer a public officer or public
 797 employee or is no longer receiving public contract payments, the
 798 commission or the Department of Financial Services, 6 months
 799 after the order becomes final, may:

800 (a) Record the final order as a judgment lien against any
 801 real property within the state pursuant to chapter 55; or

802 (b) Seek garnishment of any wages pursuant to chapter 77.

803 (3) Collection methods authorized pursuant to this section
 804 do not exclude any other collection methods statutorily
 805 authorized.

806 Section 11. Section 112.3147, Florida Statutes, is amended
 807 to read:

808 112.3147 Forms.-Except as otherwise provided, all
 809 information required to be furnished by ss. 112.313, 112.3143,
 810 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
 811 of the State Constitution shall be on forms prescribed by the
 812 Commission on Ethics.

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813 Section 12. Subsections (3) through (5) of section
814 112.3148, Florida Statutes, are amended to read:

815 112.3148 Reporting and prohibited receipt of gifts by
816 individuals filing full or limited public disclosure of
817 financial interests and by procurement employees.-

818 (3) A reporting individual or procurement employee is
819 prohibited from soliciting any gift from ~~a political committee~~
820 ~~or committee of continuous existence, as defined in s. 106.011,~~
821 ~~or from~~ a lobbyist who lobbies the reporting individual's or
822 procurement employee's agency, or the partner, firm, employer,
823 or principal of such lobbyist, if ~~where~~ such gift is for the
824 personal benefit of the reporting individual or procurement
825 employee, another reporting individual or procurement employee,
826 or any member of the immediate family of a reporting individual
827 or procurement employee.

828 (4) A reporting individual or procurement employee or any
829 other person on his or her behalf is prohibited from knowingly
830 accepting, directly or indirectly, a gift from ~~a political~~
831 ~~committee or committee of continuous existence, as defined in s.~~
832 ~~106.011, or from~~ a lobbyist who lobbies the reporting
833 individual's or procurement employee's agency, or directly or
834 indirectly on behalf of the partner, firm, employer, or
835 principal of a lobbyist, if he or she knows or reasonably
836 believes that the gift has a value in excess of \$100; however,
837 such a gift may be accepted by such person on behalf of a
838 governmental entity or a charitable organization. If the gift is
839 accepted on behalf of a governmental entity or charitable
840 organization, the person receiving the gift shall not maintain
841 custody of the gift for any period of time beyond that

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842 reasonably necessary to arrange for the transfer of custody and
843 ownership of the gift.

844 (5) (a) ~~A political committee or a committee of continuous~~
845 ~~existence, as defined in s. 106.011,~~ A lobbyist who lobbies a
846 reporting individual's or procurement employee's agency; the
847 partner, firm, employer, or principal of a lobbyist; or another
848 on behalf of the lobbyist or partner, firm, principal, or
849 employer of the lobbyist is prohibited from giving, either
850 directly or indirectly, a gift that has a value in excess of
851 \$100 to the reporting individual or procurement employee or any
852 other person on his or her behalf; however, such person may give
853 a gift having a value in excess of \$100 to a reporting
854 individual or procurement employee if the gift is intended to be
855 transferred to a governmental entity or a charitable
856 organization.

857 (b) However, a person who is regulated by this subsection,
858 who is not regulated by subsection (6), and who makes, or
859 directs another to make, an individual gift having a value in
860 excess of \$25, but not in excess of \$100, other than a gift that
861 the donor knows will be accepted on behalf of a governmental
862 entity or charitable organization, must file a report on the
863 last day of each calendar quarter for the previous calendar
864 quarter in which a reportable gift is made. The report shall be
865 filed with the Commission on Ethics, except with respect to
866 gifts to reporting individuals of the legislative branch, in
867 which case the report shall be filed with the Office of
868 Legislative Services. The report must contain a description of
869 each gift, the monetary value thereof, the name and address of
870 the person making such gift, the name and address of the

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 871 recipient of the gift, and the date such gift is given. In
 872 addition, if a gift is made which requires the filing of a
 873 report under this subsection, the donor must notify the intended
 874 recipient at the time the gift is made that the donor, or
 875 another on his or her behalf, will report the gift under this
 876 subsection. Under this paragraph, a gift need not be reported by
 877 more than one person or entity.

878 Section 13. Section 112.31485, Florida Statutes, is created
 879 to read:

880 112.31485 Prohibition on gifts involving political
 881 committees and committees of continuous existence.-

882 (1) (a) For purposes of this section, the term "gift" means
 883 any purchase, payment, distribution, loan, advance, transfer of
 884 funds, or disbursement of money or anything of value that is not
 885 primarily related to contributions, expenditures, or other
 886 political activities authorized pursuant to chapter 106.

887 (b) For purposes of this section, the term "immediate
 888 family" means any parent, spouse, child, or sibling.

889 (2) (a) A reporting individual or procurement employee or a
 890 member of his or her immediate family is prohibited from
 891 soliciting or knowingly accepting, directly or indirectly, any
 892 gift from a political committee or committee of continuous
 893 existence.

894 (b) A political committee or committee of continuous
 895 existence is prohibited from giving, directly or indirectly, any
 896 gift to a reporting individual or procurement employee or a
 897 member of his or her immediate family.

898 (3) Any person who violates this section is subject to a
 899 civil penalty equal to three times the amount of the gift. Such

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 900 penalty is in addition to the penalties provided in s. 112.317
 901 and shall be paid to the General Revenue Fund of the state. A
 902 reporting individual or procurement employee or a member of his
 903 or her immediate family who violates this section is personally
 904 liable for payment of the treble penalty. Any agent or person
 905 acting on behalf of a political committee or committee of
 906 continuous existence who gives a prohibited gift is personally
 907 liable for payment of the treble penalty.

908 Section 14. For the purpose of incorporating the amendment
 909 made by this act to section 112.3143, Florida Statutes, and
 910 newly created section 112.31485, Florida Statutes, in a
 911 reference thereto, subsections (1) through (5) of section
 912 112.317, Florida Statutes, are reenacted to read:

913 112.317 Penalties.-

914 (1) Violation of any provision of this part, including, but
 915 not limited to, any failure to file any disclosures required by
 916 this part or violation of any standard of conduct imposed by
 917 this part, or violation of any provision of s. 8, Art. II of the
 918 State Constitution, in addition to any criminal penalty or other
 919 civil penalty involved, shall, under applicable constitutional
 920 and statutory procedures, constitute grounds for, and may be
 921 punished by, one or more of the following:

922 (a) In the case of a public officer:

- 923 1. Impeachment.
- 924 2. Removal from office.
- 925 3. Suspension from office.
- 926 4. Public censure and reprimand.
- 927 5. Forfeiture of no more than one-third salary per month
- 928 for no more than 12 months.

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- 929 6. A civil penalty not to exceed \$10,000.
- 930 7. Restitution of any pecuniary benefits received because
- 931 of the violation committed. The commission may recommend that
- 932 the restitution penalty be paid to the agency of which the
- 933 public officer was a member or to the General Revenue Fund.
- 934 (b) In the case of an employee or a person designated as a
- 935 public officer by this part who otherwise would be deemed to be
- 936 an employee:
- 937 1. Dismissal from employment.
- 938 2. Suspension from employment for not more than 90 days
- 939 without pay.
- 940 3. Demotion.
- 941 4. Reduction in salary level.
- 942 5. Forfeiture of no more than one-third salary per month
- 943 for no more than 12 months.
- 944 6. A civil penalty not to exceed \$10,000.
- 945 7. Restitution of any pecuniary benefits received because
- 946 of the violation committed. The commission may recommend that
- 947 the restitution penalty be paid to the agency by which the
- 948 public employee was employed, or of which the officer was deemed
- 949 to be an employee, or to the General Revenue Fund.
- 950 8. Public censure and reprimand.
- 951 (c) In the case of a candidate who violates the provisions
- 952 of this part or s. 8(a) and (i), Art. II of the State
- 953 Constitution:
- 954 1. Disqualification from being on the ballot.
- 955 2. Public censure.
- 956 3. Reprimand.
- 957 4. A civil penalty not to exceed \$10,000.

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- 958 (d) In the case of a former public officer or employee who
- 959 has violated a provision applicable to former officers or
- 960 employees or whose violation occurred before the officer's or
- 961 employee's leaving public office or employment:
- 962 1. Public censure and reprimand.
- 963 2. A civil penalty not to exceed \$10,000.
- 964 3. Restitution of any pecuniary benefits received because
- 965 of the violation committed. The commission may recommend that
- 966 the restitution penalty be paid to the agency of the public
- 967 officer or employee or to the General Revenue Fund.
- 968 (e) In the case of a person who is subject to the standards
- 969 of this part, other than a lobbyist or lobbying firm under s.
- 970 112.3215 for a violation of s. 112.3215, but who is not a public
- 971 officer or employee:
- 972 1. Public censure and reprimand.
- 973 2. A civil penalty not to exceed \$10,000.
- 974 3. Restitution of any pecuniary benefits received because
- 975 of the violation committed. The commission may recommend that
- 976 the restitution penalty be paid to the agency of the person or
- 977 to the General Revenue Fund.
- 978 (2) In any case in which the commission finds a violation
- 979 of this part or of s. 8, Art. II of the State Constitution and
- 980 the proper disciplinary official or body under s. 112.324
- 981 imposes a civil penalty or restitution penalty, the Attorney
- 982 General shall bring a civil action to recover such penalty. No
- 983 defense may be raised in the civil action to enforce the civil
- 984 penalty or order of restitution that could have been raised by
- 985 judicial review of the administrative findings and
- 986 recommendations of the commission by certiorari to the district

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987 court of appeal. The Attorney General shall collect any costs,
 988 attorney's fees, expert witness fees, or other costs of
 989 collection incurred in bringing the action.

990 (3) The penalties prescribed in this part shall not be
 991 construed to limit or to conflict with:

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

994 (b) The power of agencies to discipline officers or
 995 employees.

996 (4) Any violation of this part or of s. 8, Art. II of the
 997 State Constitution by a public officer shall constitute
 998 malfeasance, misfeasance, or neglect of duty in office within
 999 the meaning of s. 7, Art. IV of the State Constitution.

1000 (5) By order of the Governor, upon recommendation of the
 1001 commission, any elected municipal officer who violates any
 1002 provision of this part or of s. 8, Art. II of the State
 1003 Constitution may be suspended from office and the office filled
 1004 by appointment for the period of suspension. The suspended
 1005 officer may at any time before removal be reinstated by the
 1006 Governor. The Senate may, in proceedings prescribed by law,
 1007 remove from office, or reinstate, the suspended official, and
 1008 for such purpose the Senate may be convened in special session
 1009 by its President or by a majority of its membership.

1010 Section 15. Section 112.324, Florida Statutes, is amended
 1011 to read:

1012 112.324 Procedures on complaints of violations and
 1013 referrals; public records and meeting exemptions.-

1014 (1) ~~Upon a written complaint executed on a form prescribed~~
 1015 ~~by the commission and signed under oath or affirmation by any~~

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1016 ~~person,~~ The commission shall investigate an any alleged
 1017 violation of this part or ~~any~~ other alleged breach of the public
 1018 trust within the jurisdiction of the commission as provided in
 1019 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
 1020 ~~procedures set forth herein.~~

1021 (a) Upon a written complaint executed on a form prescribed
 1022 by the commission and signed under oath of affirmation by any
 1023 person; or

1024 (b) Upon receipt of a written referral of a possible
 1025 violation of this part or other possible breach of the public
 1026 trust from the Governor, the Department of Law Enforcement, a
 1027 state attorney, or a United States Attorney which at least six
 1028 members of the commission determine is sufficient to indicate a
 1029 violation of this part or any other breach of the public trust.

1030
 1031 Within 5 days after receipt of a complaint by the commission or
 1032 a determination by at least six members of the commission that
 1033 the referral received is deemed sufficient, a copy shall be
 1034 transmitted to the alleged violator.

1035 (2) (a) The complaint and records relating to the complaint
 1036 or to any preliminary investigation held by the commission or
 1037 its agents, by a Commission on Ethics and Public Trust
 1038 established by any county defined in s. 125.011(1) or by any
 1039 municipality defined in s. 165.031, or by any county or
 1040 municipality that has established a local investigatory process
 1041 to enforce more stringent standards of conduct and disclosure
 1042 requirements as provided in s. 112.326 are confidential and
 1043 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1044 of the State Constitution.

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1045 (b) Any proceeding conducted by the commission, a
 1046 Commission on Ethics and Public Trust, or a county or
 1047 municipality that has established such local investigatory
 1048 process, pursuant to a complaint or preliminary investigation,
 1049 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
 1050 the State Constitution, and s. 120.525.

1051 (c) The exemptions in paragraphs (a) and (b) apply until
 1052 the complaint is dismissed as legally insufficient, until the
 1053 alleged violator requests in writing that such records and
 1054 proceedings be made public, or until the commission, a
 1055 Commission on Ethics and Public Trust, or a county or
 1056 municipality that has established such local investigatory
 1057 process determines, based on such investigation, whether
 1058 probable cause exists to believe that a violation has occurred.
 1059 ~~In no event shall~~ A complaint or referral under this part
 1060 may not be filed nor may ~~or~~ any intention of filing such a
 1061 complaint or referral be disclosed on the day of any such
 1062 election or within the 30 ~~5~~ days immediately preceding the date
 1063 of the election, unless the complaint or referral is based upon
 1064 personal information or information other than hearsay.

1066 (d) This subsection is subject to the Open Government
 1067 Sunset Review Act in accordance with s. 119.15 and shall stand
 1068 repealed on October 2, 2015, unless reviewed and saved from
 1069 repeal through reenactment by the Legislature.

1070 (3) A preliminary investigation shall be undertaken by the
 1071 commission of each legally sufficient complaint or referral over
 1072 which the commission has jurisdiction to determine whether there
 1073 is probable cause to believe that a violation has occurred. If,

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1074 upon completion of the preliminary investigation, the commission
 1075 finds no probable cause to believe that this part has been
 1076 violated or that any other breach of the public trust has been
 1077 committed, the commission shall dismiss the complaint or
 1078 referral with the issuance of a public report to the complainant
 1079 and the alleged violator, stating with particularity its reasons
 1080 for dismissal ~~of the complaint~~. At that time, the complaint or
 1081 referral and all materials relating to the complaint or referral
 1082 shall become a matter of public record. If the commission finds
 1083 from the preliminary investigation probable cause to believe
 1084 that this part has been violated or that any other breach of the
 1085 public trust has been committed, it shall so notify the
 1086 complainant and the alleged violator in writing. Such
 1087 notification and all documents made or received in the
 1088 disposition of the complaint or referral shall then become
 1089 public records. Upon request submitted to the commission in
 1090 writing, any person who the commission finds probable cause to
 1091 believe has violated any provision of this part or has committed
 1092 any other breach of the public trust shall be entitled to a
 1093 public hearing. Such person shall be deemed to have waived the
 1094 right to a public hearing if the request is not received within
 1095 14 days following the mailing of the probable cause notification
 1096 required by this subsection. However, the commission may on its
 1097 own motion, require a public hearing, may conduct such further
 1098 investigation as it deems necessary, and may enter into such
 1099 stipulations and settlements as it finds to be just and in the
 1100 best interest of the state. The commission is without
 1101 jurisdiction to, and no respondent may voluntarily or
 1102 involuntarily, enter into a stipulation or settlement which

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1103 imposes any penalty, including, but not limited to, a sanction
 1104 or admonition or any other penalty contained in s. 112.317.
 1105 Penalties shall be imposed only by the appropriate disciplinary
 1106 authority as designated in this section.

1107 (4) If, in cases pertaining to members of the Legislature,
 1108 upon completion of a full and final investigation by the
 1109 commission, the commission finds that there has been a violation
 1110 of this part or of any provision of s. 8, Art. II of the State
 1111 Constitution, the commission shall forward a copy of the
 1112 complaint or referral and its findings by certified mail to the
 1113 President of the Senate or the Speaker of the House of
 1114 Representatives, whichever is applicable, who shall refer the
 1115 complaint or referral to the appropriate committee for
 1116 investigation and action which shall be governed by the rules of
 1117 its respective house. It ~~is shall be~~ the duty of the committee
 1118 to report its final action upon the matter ~~complaint~~ to the
 1119 commission within 90 days of the date of transmittal to the
 1120 respective house. Upon request of the committee, the commission
 1121 shall submit a recommendation as to what penalty, if any, should
 1122 be imposed. In the case of a member of the Legislature, the
 1123 house in which the member serves ~~has shall have~~ the power to
 1124 invoke the penalty provisions of this part.

1125 (5) If, in cases ~~pertaining to complaints~~ against
 1126 impeachable officers, upon completion of a full and final
 1127 investigation by the commission, the commission finds that there
 1128 has been a violation of this part or of any provision of s. 8,
 1129 Art. II of the State Constitution, and the commission finds that
 1130 the violation may constitute grounds for impeachment, the
 1131 commission shall forward a copy of the complaint or referral and

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1132 its findings by certified mail to the Speaker of the House of
 1133 Representatives, who shall refer the complaint or referral to
 1134 the appropriate committee for investigation and action which
 1135 shall be governed by the rules of the House of Representatives.
 1136 It ~~is shall be~~ the duty of the committee to report its final
 1137 action upon the matter ~~complaint~~ to the commission within 90
 1138 days of the date of transmittal.

1139 (6) If the commission finds that there has been a violation
 1140 of this part or of any provision of s. 8, Art. II of the State
 1141 Constitution by an impeachable officer other than the Governor,
 1142 and the commission recommends public censure and reprimand,
 1143 forfeiture of a portion of the officer's salary, a civil
 1144 penalty, or restitution, the commission shall report its
 1145 findings and recommendation of disciplinary action to the
 1146 Governor, who ~~has shall have~~ the power to invoke the penalty
 1147 provisions of this part.

1148 (7) If the commission finds that there has been a violation
 1149 of this part or of any provision of s. 8, Art. II of the State
 1150 Constitution by the Governor, and the commission recommends
 1151 public censure and reprimand, forfeiture of a portion of the
 1152 Governor's salary, a civil penalty, or restitution, the
 1153 commission shall report its findings and recommendation of
 1154 disciplinary action to the Attorney General, who shall have the
 1155 power to invoke the penalty provisions of this part.

1156 (8) If, in cases ~~pertaining to complaints~~ other than
 1157 complaints or referrals against impeachable officers or members
 1158 of the Legislature, upon completion of a full and final
 1159 investigation by the commission, the commission finds that there
 1160 has been a violation of this part or of s. 8, Art. II of the

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1161 State Constitution, it ~~is shall be~~ the duty of the commission to
 1162 report its findings and recommend appropriate action to the
 1163 proper disciplinary official or body as follows, and such
 1164 official or body ~~has shall have~~ the power to invoke the penalty
 1165 provisions of this part, including the power to order the
 1166 appropriate elections official to remove a candidate from the
 1167 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
 1168 II of the State Constitution:

1169 (a) The President of the Senate and the Speaker of the
 1170 House of Representatives, jointly, in any case concerning the
 1171 Public Counsel, members of the Public Service Commission,
 1172 members of the Public Service Commission Nominating Council, the
 1173 Auditor General, or the director of the Office of Program Policy
 1174 Analysis and Government Accountability.

1175 (b) The Supreme Court, in any case concerning an employee
 1176 of the judicial branch.

1177 (c) The President of the Senate, in any case concerning an
 1178 employee of the Senate; the Speaker of the House of
 1179 Representatives, in any case concerning an employee of the House
 1180 of Representatives; or the President and the Speaker, jointly,
 1181 in any case concerning an employee of a committee of the
 1182 Legislature whose members are appointed solely by the President
 1183 and the Speaker or in any case concerning an employee of the
 1184 Public Counsel, Public Service Commission, Auditor General, or
 1185 Office of Program Policy Analysis and Government Accountability.

1186 (d) Except as otherwise provided by this part, the
 1187 Governor, in the case of any other public officer, public
 1188 employee, former public officer or public employee, candidate or
 1189 former candidate, or person who is not a public officer or

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1190 employee, other than lobbyists and lobbying firms under s.
 1191 112.3215 for violations of s. 112.3215.

1192 (e) The President of the Senate or the Speaker of the House
 1193 of Representatives, whichever is applicable, in any case
 1194 concerning a former member of the Legislature who has violated a
 1195 provision applicable to former members or whose violation
 1196 occurred while a member of the Legislature.

1197 (9) In addition to reporting its findings to the proper
 1198 disciplinary body or official, the commission shall report these
 1199 findings to the state attorney or any other appropriate official
 1200 or agency having authority to initiate prosecution when
 1201 violation of criminal law is indicated.

1202 (10) Notwithstanding the foregoing procedures of this
 1203 section, a sworn complaint against any member or employee of the
 1204 Commission on Ethics for violation of this part or of s. 8, Art.
 1205 II of the State Constitution shall be filed with the President
 1206 of the Senate and the Speaker of the House of Representatives.
 1207 Each presiding officer shall, after determining that there are
 1208 sufficient grounds for review, appoint three members of their
 1209 respective bodies to a special joint committee who shall
 1210 investigate the complaint. The members shall elect a chair from
 1211 among their number. If the special joint committee finds
 1212 insufficient evidence to establish probable cause to believe a
 1213 violation of this part or of s. 8, Art. II of the State
 1214 Constitution has occurred, it shall dismiss the complaint. If,
 1215 upon completion of its preliminary investigation, the committee
 1216 finds sufficient evidence to establish probable cause to believe
 1217 a violation has occurred, the chair thereof shall transmit such
 1218 findings to the Governor who shall convene a meeting of the

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1219 Governor, the President of the Senate, the Speaker of the House
 1220 of Representatives, and the Chief Justice of the Supreme Court
 1221 to take such final action on the complaint as they shall deem
 1222 appropriate, consistent with the penalty provisions of this
 1223 part. Upon request of a majority of the Governor, the President
 1224 of the Senate, the Speaker of the House of Representatives, and
 1225 the Chief Justice of the Supreme Court, the special joint
 1226 committee shall submit a recommendation as to what penalty, if
 1227 any, should be imposed.

1228 (11) (a) Notwithstanding the provisions of subsections (1)-
 1229 (8), the commission shall dismiss any complaint or referral at
 1230 any stage of disposition should it determine that the violation
 1231 that is alleged or has occurred is a de minimis violation
 1232 attributable to inadvertent or unintentional error. In
 1233 determining whether a violation was de minimis, the commission
 1234 shall consider whether the interests of the public were
 1235 protected despite the violation. This subsection does not apply
 1236 to complaints pursuant to ss. 112.3144 and 112.3145.

1237 (b) For the purposes of this subsection, a de minimis
 1238 violation is any violation that is unintentional and not
 1239 material in nature.

1240 (12)-(11) Notwithstanding the provisions of subsections (1)-
 1241 (8), the commission may, at its discretion, dismiss any
 1242 complaint or referral at any stage of disposition should it
 1243 determine that the public interest would not be served by
 1244 proceeding further, in which case the commission shall issue a
 1245 public report stating with particularity its reasons for the
 1246 dismissal.

1247 Section 16. For the purpose of incorporating the amendment

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1248 made by this act to section 112.3143, Florida Statutes, in a
 1249 reference thereto, subsection (1) of section 120.665, Florida
 1250 Statutes, is reenacted to read:

1251 120.665 Disqualification of agency personnel.—

1252 (1) Notwithstanding the provisions of s. 112.3143, any
 1253 individual serving alone or with others as an agency head may be
 1254 disqualified from serving in an agency proceeding for bias,
 1255 prejudice, or interest when any party to the agency proceeding
 1256 shows just cause by a suggestion filed within a reasonable
 1257 period of time prior to the agency proceeding. If the
 1258 disqualified individual was appointed, the appointing power may
 1259 appoint a substitute to serve in the matter from which the
 1260 individual is disqualified. If the individual is an elected
 1261 official, the Governor may appoint a substitute to serve in the
 1262 matter from which the individual is disqualified. However, if a
 1263 quorum remains after the individual is disqualified, it shall
 1264 not be necessary to appoint a substitute.

1265 Section 17. For the purpose of incorporating the amendment
 1266 made by this act to section 112.3143, Florida Statutes, in a
 1267 reference thereto, section 286.012, Florida Statutes, is
 1268 reenacted to read:

1269 286.012 Voting requirement at meetings of governmental
 1270 bodies.—No member of any state, county, or municipal
 1271 governmental board, commission, or agency who is present at any
 1272 meeting of any such body at which an official decision, ruling,
 1273 or other official act is to be taken or adopted may abstain from
 1274 voting in regard to any such decision, ruling, or act; and a
 1275 vote shall be recorded or counted for each such member present,
 1276 except when, with respect to any such member, there is, or

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 1277 appears to be, a possible conflict of interest under the
 1278 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
 1279 cases, said member shall comply with the disclosure requirements
 1280 of s. 112.3143.

1281 Section 18. For the purpose of incorporating the amendment
 1282 made by this act to section 112.324, Florida Statutes, in a
 1283 reference thereto, section 287.175, Florida Statutes, is
 1284 reenacted to read:

1285 287.175 Penalties.—A violation of this part or a rule
 1286 adopted hereunder, pursuant to applicable constitutional and
 1287 statutory procedures, constitutes misuse of public position as
 1288 defined in s. 112.313(6), and is punishable as provided in s.
 1289 112.317. The Chief Financial Officer shall report incidents of
 1290 suspected misuse to the Commission on Ethics, and the commission
 1291 shall investigate possible violations of this part or rules
 1292 adopted hereunder when reported by the Chief Financial Officer,
 1293 notwithstanding the provisions of s. 112.324. Any violation of
 1294 this part or a rule adopted hereunder shall be presumed to have
 1295 been committed with wrongful intent, but such presumption is
 1296 rebuttable. Nothing in this section is intended to deny rights
 1297 provided to career service employees by s. 110.227.

1298 Section 19. For the purpose of incorporating the amendment
 1299 made by this act to section 112.3143, Florida Statutes, in a
 1300 reference thereto, paragraph (c) of subsection (1) of section
 1301 288.901, Florida Statutes, is reenacted to read:

1302 288.901 Enterprise Florida, Inc.—

1303 (1) CREATION.—

1304 (c) The Legislature determines that it is in the public
 1305 interest for the members of Enterprise Florida, Inc., board of

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 1306 directors to be subject to the requirements of ss. 112.3135,
 1307 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding
 1308 the fact that the board members are not public officers or
 1309 employees. For purposes of those sections, the board members
 1310 shall be considered to be public officers or employees. The
 1311 exemption set forth in s. 112.313(12) for advisory boards
 1312 applies to the members of Enterprise Florida, Inc., board of
 1313 directors. Further, each member of the board of directors who is
 1314 not otherwise required to file financial disclosures pursuant to
 1315 s. 8, Art. II of the State Constitution or s. 112.3144, shall
 1316 file disclosure of financial interests pursuant to s. 112.3145.

1317 Section 20. Subsection (1) of section 445.007, Florida
 1318 Statutes, is reenacted for the purpose of incorporating the
 1319 amendment made by this act to section 112.3143, Florida
 1320 Statutes, in a reference thereto, and subsection (11) of that
 1321 section is amended, to read:

1322 445.007 Regional workforce boards.—

1323 (1) One regional workforce board shall be appointed in each
 1324 designated service delivery area and shall serve as the local
 1325 workforce investment board pursuant to Pub. L. No. 105-220. The
 1326 membership of the board shall be consistent with Pub. L. No.
 1327 105-220, Title I, s. 117(b) but may not exceed the minimum
 1328 membership required in Pub. L. No. 105-220, Title I, s.
 1329 117(b) (2) (A) and in this subsection. Upon approval by the
 1330 Governor, the chief elected official may appoint additional
 1331 members above the limit set by this subsection. If a public
 1332 education or training provider is represented on the board, a
 1333 representative of a private nonprofit provider and a
 1334 representative of a private for-profit provider must also be

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1335 appointed to the board. The board shall include one nonvoting
 1336 representative from a military installation if a military
 1337 installation is located within the region and the appropriate
 1338 military command or organization authorizes such representation.
 1339 It is the intent of the Legislature that membership of a
 1340 regional workforce board include persons who are current or
 1341 former recipients of welfare transition assistance as defined in
 1342 s. 445.002(2) or workforce services as provided in s. 445.009(1)
 1343 or that such persons be included as ex officio members of the
 1344 board or of committees organized by the board. The importance of
 1345 minority and gender representation shall be considered when
 1346 making appointments to the board. The board, its committees,
 1347 subcommittees, and subdivisions, and other units of the
 1348 workforce system, including units that may consist in whole or
 1349 in part of local governmental units, may use any method of
 1350 telecommunications to conduct meetings, including establishing a
 1351 quorum through telecommunications, provided that the public is
 1352 given proper notice of the telecommunications meeting and
 1353 reasonable access to observe and, when appropriate, participate.
 1354 Regional workforce boards are subject to chapters 119 and 286
 1355 and s. 24, Art. I of the State Constitution. If the regional
 1356 workforce board enters into a contract with an organization or
 1357 individual represented on the board of directors, the contract
 1358 must be approved by a two-thirds vote of the board, a quorum
 1359 having been established, and the board member who could benefit
 1360 financially from the transaction must abstain from voting on the
 1361 contract. A board member must disclose any such conflict in a
 1362 manner that is consistent with the procedures outlined in s.
 1363 112.3143. Each member of a regional workforce board who is not

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1364 otherwise required to file a full and public disclosure of
 1365 financial interests pursuant to s. 8, Art. II of the State
 1366 Constitution or s. 112.3144 shall file a statement of financial
 1367 interests pursuant to s. 112.3145. The executive director or
 1368 designated person responsible for the operational and
 1369 administrative functions of the regional workforce board who is
 1370 not otherwise required to file a full and public disclosure of
 1371 financial interests pursuant to s. 8, Art. II of the State
 1372 Constitution or s. 112.3144 shall file a statement of financial
 1373 interests pursuant to s. 112.3145.
 1374 (11) To increase transparency and accountability, a
 1375 regional workforce board must comply with the requirements of
 1376 this section before contracting with a member of the board or a
 1377 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
 1378 board member or of an employee of the board. Such contracts may
 1379 not be executed before or without the approval of Workforce
 1380 Florida, Inc. Such contracts, as well as documentation
 1381 demonstrating adherence to this section as specified by
 1382 Workforce Florida, Inc., must be submitted to the Department of
 1383 Economic Opportunity for review and recommendation according to
 1384 criteria to be determined by Workforce Florida, Inc. Such a
 1385 contract must be approved by a two-thirds vote of the board, a
 1386 quorum having been established; all conflicts of interest must
 1387 be disclosed before the vote; and any member who may benefit
 1388 from the contract, or whose relative may benefit from the
 1389 contract, must abstain from the vote. A contract under \$25,000
 1390 between a regional workforce board and a member of that board or
 1391 between a relative, as defined in s. 112.3143(1)(c)
 1392 ~~112.3143(1)(b)~~, of a board member or of an employee of the board

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 1393 is not required to have the prior approval of Workforce Florida,
 1394 Inc., but must be approved by a two-thirds vote of the board, a
 1395 quorum having been established, and must be reported to the
 1396 Department of Economic Opportunity and Workforce Florida, Inc.,
 1397 within 30 days after approval. If a contract cannot be approved
 1398 by Workforce Florida, Inc., a review of the decision to
 1399 disapprove the contract may be requested by the regional
 1400 workforce board or other parties to the disapproved contract.

1401
 1402 Section 21. For the purpose of incorporating the amendment
 1403 made by this act to section 112.3143, Florida Statutes, in a
 1404 reference thereto, paragraph (m) of subsection (5) of section
 1405 627.311, Florida Statutes, is reenacted to read:

1406 627.311 Joint underwriters and joint reinsurers; public
 1407 records and public meetings exemptions.—

1408 (5)

1409 (m) Senior managers and officers, as defined in the plan of
 1410 operation, and members of the board of governors are subject to
 1411 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
 1412 112.316, and 112.317. Senior managers, officers, and board
 1413 members are also required to file such disclosures with the
 1414 Commission on Ethics and the Office of Insurance Regulation. The
 1415 executive director of the plan or his or her designee shall
 1416 notify each newly appointed and existing appointed member of the
 1417 board of governors, senior manager, and officer of his or her
 1418 duty to comply with the reporting requirements of s. 112.3145.
 1419 At least quarterly, the executive director of the plan or his or
 1420 her designee shall submit to the Commission on Ethics a list of
 1421 names of the senior managers, officers, and members of the board

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 1422 of governors who are subject to the public disclosure
 1423 requirements under s. 112.3145. Notwithstanding s. 112.313, an
 1424 employee, officer, owner, or director of an insurance agency,
 1425 insurance company, or other insurance entity may be a member of
 1426 the board of governors unless such employee, officer, owner, or
 1427 director of an insurance agency, insurance company, other
 1428 insurance entity, or an affiliate provides policy issuance,
 1429 policy administration, underwriting, claims handling, or payroll
 1430 audit services. Notwithstanding s. 112.3143, such board member
 1431 may not participate in or vote on a matter if the insurance
 1432 agency, insurance company, or other insurance entity would
 1433 obtain a special or unique benefit that would not apply to other
 1434 similarly situated insurance entities.

1435 Section 22. For the purpose of incorporating the amendment
 1436 made to this act to section 112.3143, Florida Statutes, in a
 1437 reference thereto, paragraph (d) of subsection (6) of section
 1438 627.351, Florida Statutes, is reenacted to read:

1439 627.351 Insurance risk apportionment plans.—

1440 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1441 (d)1. All prospective employees for senior management
 1442 positions, as defined by the plan of operation, are subject to
 1443 background checks as a prerequisite for employment. The office
 1444 shall conduct the background checks pursuant to ss. 624.34,
 1445 624.404(3), and 628.261.

1446 2. On or before July 1 of each year, employees of the
 1447 corporation must sign and submit a statement attesting that they
 1448 do not have a conflict of interest, as defined in part III of
 1449 chapter 112. As a condition of employment, all prospective
 1450 employees must sign and submit to the corporation a conflict-of-

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1451 interest statement.

1452 3. Senior managers and members of the board of governors
 1453 are subject to part III of chapter 112, including, but not
 1454 limited to, the code of ethics and public disclosure and
 1455 reporting of financial interests, pursuant to s. 112.3145.
 1456 Notwithstanding s. 112.3143(2), a board member may not vote on
 1457 any measure that would inure to his or her special private gain
 1458 or loss; that he or she knows would inure to the special private
 1459 gain or loss of any principal by whom he or she is retained or
 1460 to the parent organization or subsidiary of a corporate
 1461 principal by which he or she is retained, other than an agency
 1462 as defined in s. 112.312; or that he or she knows would inure to
 1463 the special private gain or loss of a relative or business
 1464 associate of the public officer. Before the vote is taken, such
 1465 member shall publicly state to the assembly the nature of his or
 1466 her interest in the matter from which he or she is abstaining
 1467 from voting and, within 15 days after the vote occurs, disclose
 1468 the nature of his or her interest as a public record in a
 1469 memorandum filed with the person responsible for recording the
 1470 minutes of the meeting, who shall incorporate the memorandum in
 1471 the minutes. Senior managers and board members are also required
 1472 to file such disclosures with the Commission on Ethics and the
 1473 Office of Insurance Regulation. The executive director of the
 1474 corporation or his or her designee shall notify each existing
 1475 and newly appointed member of the board of governors and senior
 1476 managers of their duty to comply with the reporting requirements
 1477 of part III of chapter 112. At least quarterly, the executive
 1478 director or his or her designee shall submit to the Commission
 1479 on Ethics a list of names of the senior managers and members of

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

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20137006__

1480 the board of governors who are subject to the public disclosure
 1481 requirements under s. 112.3145.

1482 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
 1483 provision of law, an employee or board member may not knowingly
 1484 accept, directly or indirectly, any gift or expenditure from a
 1485 person or entity, or an employee or representative of such
 1486 person or entity, which has a contractual relationship with the
 1487 corporation or who is under consideration for a contract. An
 1488 employee or board member who fails to comply with subparagraph
 1489 3. or this subparagraph is subject to penalties provided under
 1490 ss. 112.317 and 112.3173.

1491 5. Any senior manager of the corporation who is employed on
 1492 or after January 1, 2007, regardless of the date of hire, who
 1493 subsequently retires or terminates employment is prohibited from
 1494 representing another person or entity before the corporation for
 1495 2 years after retirement or termination of employment from the
 1496 corporation.

1497 6. Any senior manager of the corporation who is employed on
 1498 or after January 1, 2007, regardless of the date of hire, who
 1499 subsequently retires or terminates employment is prohibited from
 1500 having any employment or contractual relationship for 2 years
 1501 with an insurer that has entered into a take-out bonus agreement
 1502 with the corporation.

1503 Section 23. This act shall take effect upon becoming a law.

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

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 Committee on Ethics and Elections

BILL: SPB 7008

INTRODUCER: For consideration by the Committee on Ethics and Elections

SUBJECT: Public records; ethics

DATE: January 18, 2013

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Carlton | Roberts | EE | Submitted |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

Senate Proposed Bill 7008 exempts,

- From public records requirements, written referrals to the Florida Ethics Commission from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney, involving possible violations of the Code of Ethics for Public Officers and Employees and other breaches of the public trust, as well as Commission records relating to preliminary investigations, and,
- From the sunshine law, Commission proceedings involving determinations on referrals,

until such time as Commission determines that it will not investigate the referral, until it makes a probable cause determination after an investigation. Additionally, the records and proceedings can be made public at any point during the proceedings if the alleged violator requests in writing that such records and proceedings be made public.

This public records bill is linked to SPB 7006, which provides for certain officers to refer cases of possible violation to the Florida Ethics Commission, who in turn is able to initiate an investigation upon a supermajority vote.

The bill also provides that any complaint filed or referral made against a candidate on day of an election or during the 30 days immediately preceding the election must be based on personal knowledge or information other than hearsay.

This bill substantially amends section 112.324 of the Florida Statutes.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution specifies requirements for public access to government records and meetings. It provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.² The Florida Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.³

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁴ guarantees every person's right to inspect and copy any state or local government public record⁵ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁶ The Sunshine Law⁷ requires all meetings of any board or Commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁸

Only the Legislature may create an exemption to public records or open meetings requirements.⁹ Such an exemption must be created by general law and must specifically state the public

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ FLA. CONST., art. I, s. 24(b).

⁴ Chapter 119, F.S.

⁵ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁶ Section 119.07(1)(a), F.S.

⁷ Section 286.011, F.S.

⁸ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the Florida Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁹ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to

necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

Commission on Ethics

The Commission on Ethics (Commission) is a non-paid, appointed body consisting of nine members.¹³ The Commission serves as guardian of the standards of conduct for officers and employees of the state and of a county, city, or other political subdivision of the state.¹⁴

Current law establishes the duties and powers of the Commission.¹⁵ Chief among these responsibilities is the duty to receive and investigate sworn complaints of violation of the code of ethics and of any other breach of the public trust,¹⁶ including investigation of all facts and parties materially related to the complaint.

A county or municipality also has the authority to create a Commission on Ethics and Public Trust.

Exemptions Relating to Complaints of Violations

The only way to initiate an ethics investigation under current law is by the filing of a sworn complaint; there is no referral process of suspected violations from other public officers.

Current law provides a public-records exemption for a complaint or any records relating to the complaint or to any preliminary investigation by the Commission or a Commission on Ethics and Public Trust established by a county or a municipality. The complaint and associated records are confidential and exempt from public-records requirements.¹⁷ In addition, any proceedings regarding a complaint or preliminary investigation are exempt from public-meetings requirements. Such exemptions no longer apply when the:

- Complaint is dismissed as legally insufficient;
- Alleged violator requests in writing that the records and proceedings be made public; or

anyone other than the persons or entities specifically designated in the statutory exemption (*see* Attorney General Opinion 85-62, August 1, 1985).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c).

¹³ Section 112.321(1), F.S.

¹⁴ Section 112.320, F.S.

¹⁵ *See* s. 112.322, F.S.

¹⁶ As provided in s. 8(f), art. II of the State Constitution.

¹⁷ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991) If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. (*See* Attorney General Opinion 85-62, August 1, 1985).

- Commission or Commission on Ethics and Public Trust determines whether probable cause exists to believe that a violation has occurred.¹⁸

III. Effect of Proposed Changes:

SPB 7008 provides that:

- Written referrals and records relating to such referrals held by the Florida Ethics Commission, the Governor, the Department of Law Enforcement, or state attorneys, and records relating to any preliminary investigation of such referrals held by the Commission, are confidential and exempt from the public records provisions of s. 119.07(1) and s. 24(a), 46 Art. I of the State Constitution, and,
- Any proceeding of the Commission in which a determination regarding a referral is discussed or acted upon is exempt from the open meeting law in s. 286.011 and s. 24(b), Art. I of the State 56 Constitution, and s. 120.525

Such exemptions remain in place until the Commission determines that it will not investigate the referral or until it makes a probable cause determination pursuant to an investigation, at which time the records become public. Additionally, the records and proceedings can be made public at any point during the proceedings if the alleged violator requests in writing that such records and proceedings be made public.

This public records bill is linked to SPB 7006, which provides for the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney, to refer cases of possible violation of the Code of Ethics to the Florida Ethics Commission, who in turn is able to initiate an investigation upon a supermajority vote.

The bill also provides that any complaint filed or referral made against a candidate on day of an election or during the 30 days immediately preceding the election must be based on personal knowledge or information other than hearsay; currently, any complaints against candidates on the day of an election or the preceding 5 days is prohibited.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), art. I of the State Constitution requires a two-thirds vote of each house of the Legislature for passage of a newly-created or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it requires a two-thirds vote for passage.

¹⁸ Section 112.324(2)(a), F.S.

Public Necessity Statement

Section 24(c), art. I of the State Constitution requires a public necessity statement for a newly created or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will likely result in additional costs to the Florida Ethics Commission to process and dispose of referrals, depending on the number received and the complexity and scope of investigations and proceedings with respect to violations; such costs are indeterminate at this time.

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.

FOR CONSIDERATION By the Committee on Ethics and Elections

582-00636A-13

20137008__

A bill to be entitled

An act relating to public records and meetings; amending s. 112.324, F.S.; creating an exemption from public records requirements for written referrals and related records held by the Commission on Ethics, the Governor, the Department of Law Enforcement, or state attorneys; creating an exemption for records relating to a preliminary investigation held by the Commission on Ethics; creating an exemption from public meetings requirements for proceedings of the Commission on Ethics in which the referrals are discussed or acted upon; extending the period in which the disclosure of the intent to file or the filing of a complaint against a candidate is prohibited; providing an exception; prohibiting the disclosure of the intent to file or the filing of a referral against a candidate on the day of an election or within a specified time period immediately preceding such election; providing an exception; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (2) of section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations; public

Page 1 of 4

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

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records and meeting exemptions.-

(2) (a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in s. 112.326 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Written referrals and records relating to such referrals held by the commission or its agents, the Governor, the Department of Law Enforcement, or state attorneys, and records relating to any preliminary investigation of such referrals held by the commission or its agents, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

(d) Any proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from s. 286.011 and s.24(b), Art. I of the State Constitution, and s. 120.525.

~~(e)(e)~~ The exemptions in paragraphs (a)-(d) ~~(a)~~ and ~~(b)~~

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59 apply until:

60 1. The complaint is dismissed as legally insufficient;
61 ~~until~~62 2. The alleged violator requests in writing that such
63 records and proceedings be made public;64 3. The commission determines that it will not investigate
65 the referral; or until66 4. The commission, a Commission on Ethics and Public Trust,
67 or a county or municipality that has established such local
68 investigatory process determines, based on such investigation,
69 whether probable cause exists to believe that a violation has
70 occurred.71 (f) In no event shall A complaint or referral under this
72 part against a candidate in any general, special, or primary
73 election may not be filed nor may ~~or~~ any intention of filing
74 such a complaint or referral be disclosed on the day of any such
75 election or within the 30 5 days immediately preceding the date
76 of the election, unless the complaint or referral is based upon
77 personal knowledge or information other than hearsay.78 (g) ~~(d)~~ This subsection is subject to the Open Government
79 Sunset Review Act in accordance with s. 119.15 and shall stand
80 repealed on October 2, 2018 2015, unless reviewed and saved from
81 repeal through reenactment by the Legislature.82 Section 2. (1) The Legislature finds that it is a public
83 necessity that written referrals and records relating to such
84 referrals held by the Commission on Ethics or its agents, the
85 Governor, the Department of Law Enforcement, or state attorneys,
86 and records relating to any preliminary investigation of such
87 referrals held by the Commission on Ethics or its agents, be

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20137008__

88 confidential and exempt from public records requirements until
89 the commission determines that it will not investigate the
90 referral, until the alleged violator requests in writing that
91 such records be made public, or until it is determined by the
92 commission based upon a preliminary investigation of the
93 referral whether probable cause exists to believe that a
94 violation has occurred. This exemption is necessary because the
95 release of such information could potentially be defamatory to
96 an individual under investigation, cause unwarranted damage to
97 the reputation of such individual, or significantly impair the
98 integrity of the investigation.99 (2) The Legislature also finds that it is a public
100 necessity that the proceedings of the Commission on Ethics at
101 which a determination regarding a referral is discussed or acted
102 upon be exempt from public meetings requirements until the
103 commission determines that it will not investigate the referral,
104 until the alleged violator requests in writing that such
105 proceedings be made public, or until it is determined by the
106 Commission on Ethics, based on a preliminary investigation of
107 the referral, whether probable cause exists to believe that a
108 violation has occurred. This exemption is necessary because the
109 release of such information could potentially be defamatory to
110 an individual under investigation, cause unwarranted damage to
111 the reputation of such individual, or significantly impair the
112 integrity of the investigation.113 Section 3. This act shall take effect on the same date that
114 SB 2 or similar legislation takes effect, if such legislation is
115 adopted in the same legislative session or an extension thereof
116 and becomes a law.

CourtSmart Tag Report

Room: KN 412
Caption: Ethics and Elections

Case:
Judge:

Type:

Started: 1/22/2013 3:36:27 PM

Ends: 1/22/2013 5:05:47 PM

Length: 01:29:21

3:36:30 PM Roll Call
3:37:22 PM Opening Remarks
3:37:30 PM Senator Joyner is shown as excused if she does not arrive
3:42:06 PM Tab #2 - SPB7008 - Public Records and Meetings of the Commission on Ethics
3:42:30 PM Chair explains bill
3:44:16 PM SPB7008 - Favorable Motion to be introduced
3:45:06 PM Tab #1 - SPB7006 - Ethics
3:51:08 PM Chair explains bill
3:57:00 PM Chair welcomes questions
3:57:12 PM Sen. Lee
3:58:23 PM Sen. Lee discusses prohibiting lobbying activity
4:00:16 PM Sen. Lee inquires about Blind Trusts
4:01:55 PM Sen. Lee inquires about CPAs
4:03:56 PM Chair
4:04:08 PM Sen. Lee
4:04:28 PM Chair
4:05:07 PM Sen. Thrasher
4:05:59 PM Dawn Roberts - Staff Director - Senate Ethics and Elections - responds
4:06:32 PM Sen. Thrasher
4:07:21 PM Sen. Thrasher asks about some of the specific language in the bill
4:08:12 PM Dan Carlton - Legislative Analyst - Senate Ethics and Elections - responds
4:08:23 PM Sen. Thrasher follows up
4:08:55 PM Chair suggests that Mr. Carlton make note of the questions asked by Sen. Lee and Sen. Thrasher.
4:09:29 PM Sen. Braynon
4:10:01 PM Chair
4:11:11 PM Sen. Braynon
4:12:05 PM Jonathan Fox - Legislative Analyst - Senate Ethics and Elections - responds to Sen. Braynon's question
4:13:31 PM Mr. Fox explains the bill's definition of a gift
4:14:25 PM Chair
4:14:51 PM Sen. Braynon
4:16:03 PM Chair
4:16:21 PM Sen. Braynon
4:16:59 PM Chair
4:17:45 PM Sen. Braynon
4:18:00 PM Sen. Lee
4:18:50 PM Chair
4:18:56 PM Sen. Soto
4:19:41 PM Chair
4:21:05 PM Sen. Legg
4:21:44 PM Chair
4:22:27 PM Virilindia Doss - Executive Director COE - responds to concerns over the bill's timeline
4:23:53 PM Chair
4:24:18 PM Virilindia Doss
4:24:33 PM Chair
4:24:37 PM Sen. Legg
4:25:09 PM Chair
4:25:32 PM Sen. Sobel
4:26:09 PM Chair
4:26:18 PM Dan Carlton explains language in the bill regarding former legislators and lobbying
4:27:19 PM Chair
4:28:03 PM Sen. Flores
4:28:16 PM Chair

4:29:25 PM Questions on bill conclude
4:29:39 PM AM742126 - Sobel
4:29:55 PM Sen. Sobel explains the AM
4:30:17 PM Chair
4:30:22 PM Sen. Braynon
4:30:31 PM Sen. Sobel
4:30:46 PM Chair
4:31:01 PM Ryan Padgett - Asst. General Counsel - Florida League of Cities
4:31:40 PM Ryan Padgett expresses concerns with the AM
4:32:30 PM Chair
4:32:33 PM Sen. Gardiner
4:33:09 PM Ryan Padgett
4:33:35 PM Chair
4:33:39 PM Sen. Sobel
4:33:49 PM Ryan Padgett
4:34:37 PM Chair
4:35:34 PM Sen. Soto
4:36:11 PM Ryan Padgett
4:37:05 PM Chair
4:37:06 PM Sen. Benacquisto
4:37:54 PM Chair
4:37:56 PM Sen. Thrasher
4:38:02 PM Ryan Padgett
4:38:27 PM Chair
4:38:30 PM Discussion on the AM
4:38:40 PM Sen. Gardiner
4:39:36 PM Chair
4:39:43 PM AM742126 is voted on
4:39:48 PM AM is adopted
4:39:54 PM Sen. Sobel takes the Chair
4:40:13 PM AM513346 - Latvala
4:40:30 PM Sen. Latvala explains the AM
4:40:40 PM Sen. Sobel - AM513346 is adopted
4:41:10 PM AM825436 - Latvala
4:41:32 PM Sen. Latvala explains the AM
4:43:09 PM Sen. Sobel - Sen. Clemens has LATE Filed AM's to Sen. Latvala's AM #825436
4:43:26 PM Handwritten AM presented by Sen. Clemens
4:44:13 PM Sen. Clemens
4:44:24 PM Chair Sobel
4:44:39 PM Sen. Latvala
4:44:48 PM Handwritten AM to the AM825436 is adopted
4:45:03 PM Second handwritten AM is presented by Sen. Clemens
4:45:29 PM Sen. Sobel
4:45:37 PM Second Handwritten AM to the AM825436 is adopted
4:45:58 PM Chair Sobel - AM 825436 is adopted as AMENDED
4:46:31 PM AM766328 - Latvala
4:46:42 PM Sen. Latvala
4:47:50 PM Sen. Sobel
4:48:15 PM Sen. Latvala
4:48:43 PM AM919682 - Latvala
4:49:15 PM Sen. Latvala explains the AM
4:49:52 PM AM is adopted
4:49:59 PM AM278576 - Clemens
4:50:23 PM Sen. Clemens
4:51:22 PM Sen. Latvala
4:51:43 PM AM 278576 and AM 216638 are withdrawn by Sen. Clemens
4:52:36 PM Chair Latvala
4:52:43 PM Brian Pitts - Justice 2 Jesus CT
4:53:32 PM Mr. Pitts expresses concern with the bill
4:55:58 PM Chair
4:56:24 PM Ben Wilcox - League of Women Voters
4:56:58 PM Chair

4:57:09 PM Dan Krassner - Integrity Florida
4:57:57 PM Chair
4:58:22 PM Matt Carlucci - Commission on Ethics
4:59:19 PM Chair
5:00:23 PM Pam Bondi - Attorney General
5:01:00 PM AG Bondi addresses a tweet regarding her office
5:01:35 PM Chair
5:01:42 PM Sen. Thrasher
5:02:24 PM Chair
5:02:27 PM Sen. Gardiner
5:02:40 PM Chair
5:02:43 PM Sen. Sobel
5:03:00 PM Chair
5:03:58 PM SPB7006 - Motion to Submit Committee Bill as amended
5:05:37 PM Chair

THE FLORIDA SENATE
APPEARANCE RECORD



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

1/22/13
Meeting Date

Topic Ethics legislation

Bill Number 7006, 7008
(if applicable)

Name VIRLINDIA DOSS

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 3600 Maclay Blvd, S
Street

Phone 488-7864

Tallah, FL 32317
City State Zip

E-mail doss.virlindia@leg.state.fl.us

Speaking: For Against Information

Representing FLA Comm on Ethics

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.

THE FLORIDA SENATE
APPEARANCE RECORD



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

1/22/13
Meeting Date

Topic Ethics

Bill Number 7006
(if applicable)

Name Ryan Padgett

Amendment Barcode 742126
(if applicable)

Job Title Asst. General Counsel

Address P.O. Box 1757
Street

Phone (850) 222-9684

Tallahassee FL 32302
City State Zip

E-mail rpadgett@Ethics.com

Speaking: For Against Information

Representing Fla. League of Cities

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.



THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1/22/2013
Date

SPB 7006
Bill Number

Barcode

Name BRIAN PITTS

Phone 727/897-9291

Address ~~St Petersburg~~ 1119 Newton Ave S.
Street

E-mail justice2jesus@yahoo.com

St Petersburg FL 33705
City State Zip

Job Title Trustee

Speaking: For Against Information

Appearing at request of Chair

Subject Ethics Reform

Representing Justice-2-Jesus CT

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/22/12
Meeting Date

Topic Ethics Reform

Bill Number 7006
(if applicable)

Name Ben Wilcox

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1719 Old Fort Dr.
Street

Phone 850-544-4448

City _____ State _____ Zip _____

E-mail benw@infonline.net

Speaking: For Against Information

Representing League of Women Voters of Florida

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)

1/22/13

Meeting Date

Topic Ethics Reform

Bill Number SB 7006
(if applicable)

Name Dan Krassner

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 715 N. Calhoun St. #4

Phone 850-321-0432

Street

Tallahassee FL 32303

City

State

Zip

E-mail dankrassner@gmail.com

Speaking: For Against Information

Representing Integrity Florida

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)

1/22/13
Meeting Date

Topic ETHICS REFORM

Bill Number _____
(if applicable)

Name MATT CARLUCCI

Amendment Barcode _____
(if applicable)

Job Title ETHICS COMMISSIONER

Address 1532 ALEXANDRIA PL. S.

Phone 904-399-5544

LAK FL. 32207

E-mail MATT@MATT

City State Zip

CARLUCCI.COM

Speaking: For Against Information

Representing FLA. COMMISSION ON ETHICS

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.