

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

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

**MEETING DATE:** Monday, February 17, 2014  
**TIME:** 4:00 —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	<b>SB 192</b> Braynon (Identical H 133)	Legislative Lobbying Expenditures; Revising the term "expenditure" to exclude the use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, to exempt such use from legislative lobbying requirements; providing exceptions when a member or an employee of the Legislature may accept certain expenditures made by a lobbyist or a principal; providing for the future expiration and the reversion as of a specified date of statutory text, etc.  EE      02/17/2014 Favorable GO JU RC	Favorable Yeas 12 Nays 0
2	<b>SB 606</b> Clemens (Similar H 655, Compare S 846)	Governmental Ethics; Requiring elected municipal officials to participate in annual ethics training; deleting the requirement that each reporting individual or procurement employee file a quarterly statement disclosing certain gifts with the Commission on Ethics; authorizing a reporting individual or procurement employee to request an advisory opinion regarding application of the section; requiring the commission to impose a civil penalty on a person who has filed a complaint with malicious intent under certain circumstances, etc.  EE      02/17/2014 Temporarily Postponed CA AP	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Monday, February 17, 2014, 4:00 —6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 846</b> Latvala (Compare H 655, S 606)	Governmental Ethics; Specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to members of the executive council of the Florida Clerks of Court Operations Corporation; requiring an officer required to participate in annual ethics training to certify participation on his or her full and public disclosure of financial interests; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to division officers of Enterprise Florida, Inc., etc.	Fav/CS Yeas 10 Nays 0
		EE 02/17/2014 Fav/CS CA RC	

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 192

INTRODUCER: Senator Braynon

SUBJECT: Legislative Lobbying Expenditures

DATE: February 18, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Favorable</b>
2.			GO	
3.			JU	
4.			RC	

**I. Summary:**

SB 192 clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the “legislative expenditure ban” in s. 11.045, F.S., regardless of whether the governmental entity is a principal.

The bill also amends the "Legislative Expenditure Ban" in s. 11.045, F.S., by providing that a Legislator or legislative employee may, under certain circumstances, accept:

- Individual servings of nonalcoholic beverages; or,
- An unsolicited meal, beverages, or event or meeting registration fee.

The bill requires that the houses of the Legislature must adopt rules for reporting, within 15 days after attending the scheduled meeting, the following information:

- The date of the event;
- The name of the organization hosting the event;
- The topic or topics about which the member or employee spoke; and,
- The value of the meal accepted.

Finally, the changes made to s. 11.045(4), F.S., will expire on June 30, 2016.

The bill provides an effective date of July 1, 2014.

**II. Present Situation:**

Section 11.045, F.S., contains provisions requiring legislative lobbying registration and legislative lobbyist compensation reports, and it contains the “legislative expenditure ban.”

Section 11.045(4)(a), F.S., provides in pertinent part, that “no lobbyist or principal shall make, directly or indirectly, and no member or employee of the legislature shall knowingly accept, directly or indirectly, any expenditure . . .” A “principal” is defined as “the person, firm, corporation, or other entity which has employed or retained a lobbyist.”<sup>1</sup> This appears to include governmental entities such as municipalities, counties, water management districts, universities, and colleges.

For purposes of this statute, the term “expenditure” means:

A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).<sup>2</sup>

The term “lobbying” means “influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.”<sup>3</sup>

The following penalties can be imposed for violation of the legislative expenditure ban:

- A fine of not more than \$5,000;
- Reprimand;
- Censure;
- Probation; and/or
- Prohibition on lobbying for a period not to exceed 24 months.<sup>4</sup>

Section 11.045(5), F.S., requires each house of the legislature to provide by rule a procedure for determining the applicability and interpretation of this section. To that end, the Florida Senate has adopted Senate Rule 9.8.

The pertinent portion of that Rule for this legislation is contained in Senate Rule 9.8, Part 1, section one, exception 6. The text of the rule reads:

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective

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<sup>1</sup> Section 11.045(1)(i), F.S.

<sup>2</sup> Section 11.045(1)(c), F.S.

<sup>3</sup> Section 11.045(1)(e), F.S.

<sup>4</sup> Section 11.045(7), F.S.

state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office. (Emphasis supplied.)

### **III. Effect of Proposed Changes:**

SB 192 creates a statutory exception to the definition of “expenditure” for a “government-to-government use.” The exception provides that a “government-to-government use” is the “use of a public facility or public property that is made available by one governmental entity to a legislator for a public purpose, regardless of whether either is required to register any person as a lobbyist.”

The bill also allows a member or employee of the Legislature to accept individual servings of nonalcoholic beverages provided by a lobbyist or a principal as a courtesy to attendees of a meeting.

The bill also allows a member or employee of the Legislature who is attending a scheduled meeting of an established membership organization that is a principal of a lobbyist as a featured speaker, moderator, or participant of a panel discussion, to accept a meal, beverages, or event or meeting registration fee if they were not solicited by the member or employee. For purposes of this exemption, the established membership organization cannot have a membership that is primarily composed of lobbyists. If a member or employee accepts a meal, beverages, or event or meeting registration fee at such an event, he or she must file a report with the Secretary of the Senate or the Clerk of the House of Representatives within 15 days after attending the meeting. The report must contain, at a minimum, the date of the event, the name of the organization hosting the event, the topic or topics about which the member or employee spoke, and the value of the meal accepted. The bill clarifies that this report also satisfies the reporting requirement of s. 112.3149(6), F.S., concerning expenses related to the honorarium event. Each house of the Legislature must establish rules for such reporting and provide for publication on its website.

Finally, the bill provides that the changes made to s. 11.045(4), F.S., will expire on June 30, 2016. The statute will revert to the language in law on April 7, 2012. However, any amendments to s. 11.045(4), F.S., enacted by other legislation will continue to operate to the extent that they are not dependent upon the changes made in this bill.

### **IV. Constitutional Issues:**

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The “old” gifts law in Section 112.3148, F.S., which predates the “Legislative Expenditure Ban,” prohibits certain gifts in excess of \$100 to reporting individuals (anyone required to file financial disclosure, including legislators) and procurement employees. Section 112.3148, F.S., exempts gifts given by a state, county, and municipal governments (and certain other governmental organizations) valued at more than \$100 if a public purpose can be shown. Current law requires annual disclosure of such gifts on a CE Form 10. Because both s. 11.045, F.S., and s. 112.3148, F.S., apply to members of the Legislature, it is important to note that, if a member or employee were to accept use of a public facility or public property from a governmental entity as authorized by the bill, the member or employee would be required to disclose the gift on a CE Form 10.

**VIII. Statutes Affected:**

This bill substantially amends section 11.045 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

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By Senator Braynon

36-00117-14

2014192\_\_

A bill to be entitled

An act relating to legislative lobbying expenditures; amending s. 11.045, F.S., and reenacting subsections (4)-(8), relating to lobbying before the Legislature; revising the term "expenditure" to exclude the use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, to exempt such use from legislative lobbying requirements; providing exceptions when a member or an employee of the Legislature may accept certain expenditures made by a lobbyist or a principal; providing reporting requirements; requiring each house of the Legislature to establish rules governing reporting procedures; providing for the future expiration and the reversion as of a specified date of statutory text; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 11.045, Florida Statutes, is amended, subsection (4) of that section is reenacted and amended, and subsections (5) through (8) of that section are reenacted, to read:

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

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

(c) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a

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

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2014192\_\_

lobbyist or principal for the purpose of lobbying. The term does not include the following:

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

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

(4) (a) Notwithstanding s. 112.3148, s. 112.3149, or any other ~~provision of~~ law to the contrary, a ~~ne~~ lobbyist or principal may not shall make, directly or indirectly, and a ~~ne~~ member or employee of the Legislature may not shall knowingly accept, directly or indirectly, any expenditure, except:

1. Floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session.

2. Individual servings of nonalcoholic beverages provided by a lobbyist or a principal as a courtesy to the attendees of a meeting.

3. A meal, beverage, or event or meeting registration fee provided to a member or employee of the Legislature who attends a scheduled meeting of an established membership organization,

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59 that is a principal and whose membership is not primarily  
 60 composed of lobbyists, as a featured speaker, moderator, or  
 61 participant and provides a speech, address, oration, or other  
 62 oral presentation. Such meal, beverage, and event or meeting  
 63 registration fee are expenses related to an honorarium event  
 64 under s. 112.3149.

65 (b) ~~A No~~ person may not ~~shall~~ provide compensation for  
 66 lobbying to any individual or business entity that is not a  
 67 lobbying firm.

68 (c) A member or employee of the Legislature who attends a  
 69 meeting and accepts a meal, beverage, or event or meeting  
 70 registration fee as permitted in subparagraph (a)3. shall file a  
 71 report with the Secretary of the Senate or the Clerk of the  
 72 House of Representatives no later than 15 days after attending  
 73 the meeting. The report must contain, at a minimum, the date of  
 74 the event, the name of the organization hosting the event, the  
 75 topic or topics about which the member or employee spoke, and  
 76 the value of the meal accepted. Each house of the Legislature  
 77 shall establish by rule procedures for such reporting and for  
 78 the publication of such reports on its website. Reports required  
 79 to be filed by this paragraph satisfy the disclosure  
 80 requirements in s. 112.3149(6).

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

87 (a) The committee shall render advisory opinions to any

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88 person who seeks advice as to whether the facts in a particular  
 89 case would constitute a violation of this section.

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

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

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

102 (7) Each house of the Legislature shall provide by rule  
 103 that a committee of either house investigate any person upon  
 104 receipt of a sworn complaint alleging a violation of this  
 105 section, s. 112.3148, or s. 112.3149 by such person; also, the  
 106 rule shall provide that a committee of either house investigate  
 107 any lobbying firm upon receipt of audit information indicating a  
 108 possible violation other than a late-filed report. Such  
 109 proceedings shall be conducted pursuant to the rules of the  
 110 respective houses. If the committee finds that there has been a  
 111 violation of this section, s. 112.3148, or s. 112.3149, it shall  
 112 report its findings to the President of the Senate or the  
 113 Speaker of the House of Representatives, as appropriate,  
 114 together with a recommended penalty, to include a fine of not  
 115 more than \$5,000, reprimand, censure, probation, or prohibition  
 116 from lobbying for a period of time not to exceed 24 months. Upon

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117 the receipt of such report, the President of the Senate or the  
118 Speaker of the House of Representatives shall cause the  
119 committee report and recommendations to be brought before the  
120 respective house and a final determination shall be made by a  
121 majority of said house.

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

133 Section 2. The amendment made by this act to s. 11.045(4),  
134 Florida Statutes, shall expire June 30, 2016, and the text of  
135 that subsection shall revert to that in existence on April 7,  
136 2012, except that any amendments to such text enacted other than  
137 by this act shall be preserved and continue to operate to the  
138 extent that such amendments are not dependent upon portions of  
139 text which expire pursuant to this section.

140 Section 3. This act shall take effect July 1, 2014.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/17/14

Meeting Date

Topic Ethics

Bill Number 192  
*(if applicable)*

Name VIRLINDIA DOSS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director, Fla Commission on Ethics

Address 325 John Knox Rd  
Street

Phone 488 7864

Tallah, FL 32308  
City State Zip

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

Speaking:  For  Against  Information

Representing Fla Commission 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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 606

INTRODUCER: Senator Clemens

SUBJECT: Governmental Ethics

DATE: February 12, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Pre-meeting</b>
2.			CA	
3.			AP	

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**I. Summary:**

SB 606 amends several provisions of the Code of Ethics for Public Officers and Employees in Part III, Chapter 112, Florida Statutes. Specifically, the bill:

- Requires elected municipal officials to complete ethics training each calendar year;
- Repeals provisions concerning gift reporting;
- Provides that reporting individuals and procurement employees may obtain an advisory opinion from his or her agency attorney concerning applicability of the gifts law in s. 112.3148, F.S., and the honoraria law in s. 112.3149, F.S.;
- Requires the agency attorney to issue the opinion within 10 days;
- Provides, under certain circumstances, a safe harbor for conduct consistent with the attorney's advisory opinion;
- Imposes an additional penalty between \$1,000 and \$5,000 on complainants who disclose or permit to be disclosed the existence of a complaint and/or the contents of any document associated with the complaint prior to the matter becoming public;
- Requires the Commission to dismiss any complaint when the officer or employee received legal guidance from his or her attorney after consultation and full disclosure of all material facts, and acted in accordance with the guidance offered;
- Permits electors of a political subdivision to impose additional or more stringent standards of conduct on its officers;
- Prohibits one political subdivision from imposing additional or more stringent standards of conduct and disclosure requirements upon the officers and employees of another political subdivision; and
- Provides that members of governmental bodies may abstain from voting on a matter if there is, or appears to be, a conflict of interest established by an additional or more stringent standard imposed by a political subdivision.

The bill is effective July 1, 2014.

**II. Present Situation:**

*The present situation will be addressed in the Effects of Proposed Changes section below.*

**III. Effect of Proposed Changes:****Annual Ethics Training****Current Law:**

Section 112.3142, F.S., requires 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, continuing legal education classes, other continuing professional education classes, seminars, or other presentations so long as the specific subjects required are covered.

For purposes of s. 112.3142, F.S., “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.

**Effects of Proposed Changes:**

SB 606 requires elected municipal officials to complete ethics training each calendar year.

**Gift Reporting****Current Law:**

Section 112.3148(8), F.S., requires a reporting individual or procurement employee (“RIPE”) to disclose gifts that he or she believes to be in excess of \$100 quarterly. However, a RIPE is not required to report:

- Gifts from relatives;
- Gifts prohibited by s. 112.313(4), F.S.;
- Gifts from lobbyists in excess of \$100; and
- Gifts otherwise required to be disclosed by s. 112.3148, F.S.

Section 112.3148(8), F.S., also specifies the information to be contained on the gift disclosure forms, including the requirement that they be sworn, and that the deadline for filing the quarterly gift disclosure is 5 p.m. on the last date of the quarter. Finally, s. 112.3148(8), F.S., provides an exemption from the reporting requirement if no reportable gift was received during that quarter.

**Effects of Proposed Changes:**

SB 606 repeals the provisions concerning gift reporting.

## **Advisory Opinions**

### *Current law:*

Currently, pursuant to s. 112.322(3), F.S., the Commission on Ethics is charged with issuance of advisory opinions concerning the provisions of the Code of Ethics for Public Officers and Employees. The Commission can issue advisory opinions in two circumstances:

- to an officer or employee concerned about whether, or how, the ethics laws apply to himself or herself; or
- where a public officer or employee has the authority to hire or terminate an employee, the public officer or employee may request an opinion about conduct of the subordinate employee.

Ethics opinions are binding until amended or revoked, unless material facts were omitted or misstated in the request for the opinion.

### *Effects of Proposed Changes:*

SB 606 provides that reporting individuals and procurement employees may obtain an advisory opinion *from his or her agency attorney* concerning applicability of the gifts law in s. 112.3148 and the honoraria law in s. 112.3149, F.S. The bill requires the agency attorney to issue the opinion within 10 days. The bill provides that the requestor may reasonably rely upon the advisory opinion of his or her agency attorney.

## **Penalties for Disclosing the Existence or Contents of Complaints**

### *Current law:*

Section 112.324(2), F.S., provides that ethics complaints, and all documents associated with an ethics complaint, are confidential and exempt from public records until such time as: the Commission determines that the complaint is legally insufficient to indicate a potential violation of the Code of Ethics; the Commission determines whether probable cause exists; or until waived by the subject of the complaint. However, there are no penalties specified for disclosing the existence of a complaint or the contents of a complaint.

### *Effect of Proposed Changes:*

SB 606 provides an additional penalty between \$1,000 and \$5,000 to be assessed against complainants who willfully disclose or permit to be disclosed the existence of a complaint and/or the contents of any document associated with the complaint prior to the matter becoming public.

### **Dismissal of Complaints**

#### *Current law:*

Currently, the Commission is not required by statute to dismiss any complaint.<sup>1</sup> However, the Commission is authorized to dismiss complaints in the following circumstances:

- If the Commission determines that a complaint alleges a de minimis violation attributable to an inadvertent or unintentional error; or
- If the Commission determines that the public interest would not be served by proceeding further.

#### *Effects of Proposed Changes:*

SB 606 requires the Commission to dismiss any complaint if it finds that, before the alleged violation occurred, the officer or employee: consulted with his or her agency attorney; provided full and complete written disclosure or made an oral disclosure at a duly noticed public meeting of all material facts relevant to the allegation before the Commission; received a written or oral opinion at a duly noticed public meeting from his or her agency's attorney relating to the allegation before the Commission; and acted in accordance with the opinion.

### **Additional or More Stringent Standards of Conduct**

#### *Current law:*

Section 112.326, F.S., provides that the governing body of any political subdivision may, by ordinance, or agency, by rule, impose upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those contained in the Code of Ethics. However, those standards of conduct and disclosure requirements are only permissible if they do not otherwise conflict with the Code of Ethics.

#### *Effects of Proposed Changes:*

SB 606 permits electors of a political subdivision to impose additional or more stringent standards of conduct on its officers. The bill also prohibits one political subdivision from imposing additional or more stringent standards of conduct and disclosure requirements upon the officers and employees of another political subdivision.

### **Abstention from Voting**

#### *Current law:*

Section 286.012, F.S., prohibits a member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted from abstaining except

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<sup>1</sup> Section 112.324(11)-(12), F.S.

when, he or she has, or appears to have, a possible conflict of interest under the provisions of ss. 112.311, 112.313, or 112.3143, F.S. In such cases, said member shall comply with the disclosure requirements of s. 112.3143, F.S.

The law does not permit abstention based upon additional or more stringent standards of conduct or disclosure requirements established by a political subdivision pursuant to s. 112.326, F.S.

Effects of Proposed Changes:

In addition to current law, SB 606 would allow members of governmental bodies to abstain from voting on a matter if there is, or appears to be, a conflict of interest proscribed in an additional or more stringent standard of conduct imposed by a political subdivision pursuant to s. 112.326, F.S.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill authorizes an additional penalty ranging from \$1,000 to \$5,000 for disclosing the existence of any complaint or disclosing contents of complaint-related documents. Political speech is protected by the First Amendment to the U.S. Constitution and Article I, Section 4, Florida Constitution. To the extent that disclosure of some of the contents of a complaint may be considered protected political speech, this provision may be constitutionally suspect as a prior restraint upon free speech on an “as applied” basis.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The bill requires agency attorneys to issue advisory opinions under certain circumstances. Agencies may have retained an attorney on an independent contractor basis who bill on an hourly rate. It is not known how many requests for an advisory opinion might be generated. Thus, the fiscal impact on government is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.3142, 112.3148, 112.3149, 112.317, 112.322, 112.326, and 286.012.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.



841730

LEGISLATIVE ACTION

Senate

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. .  
. .  
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House

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 112.3142, Florida Statutes, is amended  
to read:

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

(1) As used in this section, the term “constitutional  
officers” includes the Governor, the Lieutenant Governor, the



841730

11 Attorney General, the Chief Financial Officer, the Commissioner  
12 of Agriculture, state attorneys, public defenders, sheriffs, tax  
13 collectors, property appraisers, supervisors of elections,  
14 clerks of the circuit court, county commissioners, district  
15 school board members, and superintendents of schools.

16 (2) (a) All constitutional officers must complete 4 hours of  
17 ethics training each calendar year which annually that  
18 addresses, at a minimum, s. 8, Art. II of the State  
19 Constitution, the Code of Ethics for Public Officers and  
20 Employees, and the public records and public meetings laws of  
21 this state. This requirement may be satisfied by completion of a  
22 continuing legal education class or other continuing  
23 professional education class, seminar, or presentation if the  
24 required subjects are covered.

25 (b) Beginning January 1, 2015, all elected municipal  
26 officers must complete 4 hours of ethics training each calendar  
27 year which addresses, at a minimum, s. 8, Art. II of the State  
28 Constitution, the Code of Ethics for Public Officers and  
29 Employees, and the public records and public meetings laws of  
30 this state. This requirement may be satisfied by completion of a  
31 continuing legal education class or other continuing  
32 professional education class, seminar, or presentation if the  
33 required subjects are covered.

34 (c) ~~(b)~~ The commission shall adopt rules establishing  
35 minimum course content for the portion of an ethics training  
36 class which that addresses s. 8, Art. II of the State  
37 Constitution and the Code of Ethics for Public Officers and  
38 Employees.

39 (d) The Legislature intends that a constitutional officer



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40 or elected municipal officer who is required to complete ethics  
41 training pursuant to this section receive the required training  
42 as close as possible to the date on which he or she assumes  
43 office. A constitutional officer or elected municipal officer  
44 assuming a new office or new term of office on or before March  
45 31 must complete the annual training on or before December 31 of  
46 the year in which the term of office began. A constitutional  
47 officer or elected municipal officer assuming a new office after  
48 March 31 is not required to complete ethics training for the  
49 calendar year in which he or she assumes the new office.

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

52 Section 2. Subsection (7) of section 112.317, Florida  
53 Statutes, is amended to read:

54 112.317 Penalties.—

55 (7) If ~~In any case in which~~ the commission determines that  
56 a person has filed a complaint against a public officer or  
57 employee with a malicious intent to injure the reputation of  
58 such officer or employee, which intent may be shown by the  
59 filing of the complaint with knowledge that the complaint  
60 contains one or more false allegations or with reckless  
61 disregard for whether the complaint contains false allegations  
62 of fact material to a violation of this part:

63 (a) The complainant is ~~shall be~~ liable for costs and ~~plus~~  
64 reasonable attorney fees incurred in the defense of the person  
65 complained against, including the costs and reasonable attorney  
66 fees incurred in proving entitlement to and the amount of costs  
67 and fees; and

68 (b) If the commission further finds the complainant



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69 willfully disclosed, or permitted to be disclosed, the existence  
70 or contents of the complaint, or any document, action, or  
71 proceeding in connection with a preliminary investigation of the  
72 commission, before such complaint, document, action, or  
73 proceeding became a public record as provided in this part, the  
74 commission shall impose on the complainant a civil penalty of  
75 not less than \$1,000 but not more than \$5,000.

76  
77 If the complainant fails to pay such penalty, if any, costs, and  
78 fees voluntarily within 30 days after following such finding by  
79 the commission, the commission shall forward such information to  
80 the Department of Legal Affairs, which shall bring a civil  
81 action in a court of competent jurisdiction to recover the  
82 amount of such penalty, costs, and fees awarded by the  
83 commission.

84 Section 3. Present subsections (4) through (9) of section  
85 112.322, Florida Statutes, are renumbered as subsections (5)  
86 through (10), respectively, and a new subsection (4) is added to  
87 that section, to read:

88 112.322 Duties and powers of commission.—

89 (4) (a) A public officer, candidate for public office, or  
90 public employee, or an attorney on such person's behalf, when in  
91 doubt about the applicability and interpretation of this part or  
92 s. 8, Art. II of the State Constitution to himself or herself in  
93 a particular context, may submit the facts of the situation to  
94 commission staff for a request for guidance to establish the  
95 standard of public duty. Additionally, a public officer or  
96 public employee who has authority to hire or terminate employees  
97 may request guidance from commission staff as to the application



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98 of this part or s. 8, Art. II of the State Constitution with  
99 respect to an employee or applicant for employment. Upon  
100 request, written guidance shall be rendered by commission staff  
101 to the requestor in an expedited manner not to exceed 7 calendar  
102 days from the original date of request for guidance, unless the  
103 requestor agrees to a time extension.

104 (b) If the requestor relies upon and acts in accordance  
105 with the written guidance, the written guidance, until amended  
106 or revoked, shall be considered to be binding on the conduct of  
107 the public officer, public employee, or candidate who sought the  
108 guidance or with reference to whom the guidance was sought,  
109 unless material facts were omitted or misstated in the request  
110 for guidance. Any action or inaction taken by the requestor in  
111 reliance on the written guidance may not form the basis of a  
112 complaint under this part or s. 8, Art. II of the State  
113 Constitution.

114 Section 4. Section 112.326, Florida Statutes, is amended to  
115 read:

116 112.326 Additional requirements by political subdivisions  
117 and agencies not prohibited.—Nothing in this part prohibits ~~act~~  
118 ~~shall prohibit~~ the electors or the governing body of a ~~any~~  
119 political subdivision, by charter or ordinance, or agency, by  
120 rule, from imposing upon its own officers and employees  
121 additional or more stringent standards of conduct and disclosure  
122 requirements than those specified in this part, if provided that  
123 those standards of conduct and disclosure requirements do not  
124 otherwise conflict with the provisions of this part. A political  
125 subdivision is prohibited from imposing additional or more  
126 stringent standards of conduct and disclosure requirements upon



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127 the officers and employees of another political subdivision;  
128 however, such prohibition does not apply to a political  
129 subdivision that as of March 1, 2014 has imposed additional or  
130 more stringent standards of conduct and disclosure requirements  
131 upon the officers and employees of another political  
132 subdivision. Such a political subdivision may impose further  
133 additional or more stringent standards of conduct and disclosure  
134 requirements upon the officers or employees of another political  
135 subdivision as provided by law.

136 Section 5. Section 286.012, Florida Statutes, is amended to  
137 read:

138 286.012 Voting requirement at meetings of governmental  
139 bodies.—No member of any state, county, or municipal  
140 governmental board, commission, or agency who is present at any  
141 meeting of any such body at which an official decision, ruling,  
142 or other official act is to be taken or adopted may abstain from  
143 voting in regard to any such decision, ruling, or act; and a  
144 vote shall be recorded or counted for each such member present,  
145 unless ~~except when~~, with respect to any such member, there is,  
146 or appears to be, a possible conflict of interest under ~~the~~  
147 ~~provisions of~~ s. 112.311, s. 112.313, ~~or~~ s. 112.3143, or  
148 additional or more stringent standards of conduct, if any,  
149 adopted pursuant to s. 112.326. If there is, or appears to be, a  
150 possible conflict under s. 112.311, s. 112.313, or s. 112.3143,  
151 the member shall comply with the disclosure requirements of s.  
152 112.3143. If the only conflict or possible conflict is one  
153 arising from additional or more stringent standards adopted  
154 pursuant to s. 112.326, the member shall comply with any  
155 disclosure requirements adopted pursuant to s. 112.326. ~~In such~~



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156 ~~eases, said member shall comply with the disclosure requirements~~  
157 ~~of s. 112.3143.~~

158       Section 6. If any provision of this act or its application  
159 to any person or circumstance is held invalid, the invalidity  
160 does not affect other provisions or applications of the act  
161 which can be given effect without the invalid provision or  
162 application, and to this end the provisions of this act are  
163 severable.

164       Section 7. This act shall take effect July 1, 2014.

165  
166 ===== T I T L E   A M E N D M E N T =====

167 And the title is amended as follows:

168       Delete everything before the enacting clause  
169 and insert:

170                               A bill to be entitled  
171       An act relating to governmental ethics; amending s.  
172       112.3142, F.S.; requiring elected municipal officers  
173       to complete annual ethics training; providing  
174       legislative intent; amending s. 112.317, F.S.;

175       requiring the Commission on Ethics to impose a civil  
176       penalty on a person who has filed a complaint with  
177       malicious intent under certain circumstances; amending  
178       s. 112.322, F.S.; authorizing certain individuals to  
179       request written guidance from the commission under  
180       certain circumstances; requiring the commission to  
181       render written guidance within a specified timeframe;  
182       providing that the written guidance is binding on the  
183       conduct of the requestor; providing exceptions;  
184       providing that action or inaction in reliance on



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185 written guidance may not form the basis of a  
186 complaint; amending s. 112.326, F.S.; prohibiting a  
187 political subdivision from imposing additional  
188 standards of conduct upon the public officers and  
189 employees of another political subdivision; providing  
190 exceptions; amending s. 286.012, F.S.; revising  
191 disclosure requirements with respect to a voting  
192 abstention at a meeting of a governmental body;  
193 providing for severability; providing an effective  
194 date.

By Senator Clemens

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1 A bill to be entitled  
 2 An act relating to governmental ethics; amending s.  
 3 112.3142, F.S.; requiring elected municipal officials  
 4 to participate in annual ethics training; amending s.  
 5 112.3148, F.S.; deleting the requirement that each  
 6 reporting individual or procurement employee file a  
 7 quarterly statement disclosing certain gifts with the  
 8 Commission on Ethics; authorizing a reporting  
 9 individual or procurement employee to request an  
 10 advisory opinion regarding application of the section;  
 11 requiring the opinion to be issued within 10 days  
 12 after the request is received; providing that a  
 13 reporting individual or procurement employee may  
 14 reasonably rely on such opinion; amending s. 112.3149,  
 15 F.S.; authorizing a reporting individual or  
 16 procurement employee to request an advisory opinion  
 17 regarding application of the section; requiring the  
 18 opinion to be issued within 10 days after the request  
 19 is received; providing that a reporting individual or  
 20 procurement employee may reasonably rely on such  
 21 opinion; amending s. 112.317, F.S.; requiring the  
 22 commission to impose a civil penalty on a person who  
 23 has filed a complaint with malicious intent under  
 24 certain circumstances; amending s. 112.322, F.S.;  
 25 requiring the commission to dismiss a complaint  
 26 against a state, county, municipal, or school district  
 27 officer or employee if certain circumstances are met;  
 28 amending s. 112.326, F.S.; prohibiting a political  
 29 subdivision from imposing additional standards of

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30 conduct upon the officers and employees of another  
 31 political subdivision; amending s. 286.012, F.S.;  
 32 conforming a provision to changes made by the act;  
 33 providing for severability; providing effective dates.  
 34  
 35 Be It Enacted by the Legislature of the State of Florida:  
 36  
 37 Section 1. Effective January 1, 2015, section 112.3142,  
 38 Florida Statutes, is amended to read:  
 39 112.3142 Ethics training for specified constitutional  
 40 officers and elected municipal officials.-  
 41 (1) As used in this section, the term "constitutional  
 42 officers" includes the Governor, the Lieutenant Governor, the  
 43 Attorney General, the Chief Financial Officer, the Commissioner  
 44 of Agriculture, state attorneys, public defenders, sheriffs, tax  
 45 collectors, property appraisers, supervisors of elections,  
 46 clerks of the circuit court, county commissioners, district  
 47 school board members, and superintendents of schools.  
 48 (2) (a) All constitutional officers and elected municipal  
 49 officials must complete 4 hours of ethics training each calendar  
 50 year which ~~annually that~~ addresses, at a minimum, s. 8, Art. II  
 51 of the State Constitution, the Code of Ethics for Public  
 52 Officers and Employees, and the public records and public  
 53 meetings laws of this state. This requirement may be satisfied  
 54 by completion of a continuing legal education class or other  
 55 continuing professional education class, seminar, or  
 56 presentation if the required subjects are covered.  
 57 (b) The commission shall adopt rules establishing minimum  
 58 course content for the portion of an ethics training class which

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59 ~~that~~ addresses s. 8, Art. II of the State Constitution and the  
60 Code of Ethics for Public Officers and Employees.

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

63 Section 2. Subsections (8) through (10) of section  
64 112.3148, Florida Statutes, are amended to read:

65 112.3148 Reporting and prohibited receipt of gifts by  
66 individuals filing full or limited public disclosure of  
67 financial interests and by procurement employees.-

68 ~~(8)(a) Each reporting individual or procurement employee~~  
69 ~~shall file a statement with the Commission on Ethics not later~~  
70 ~~than the last day of each calendar quarter, for the previous~~  
71 ~~calendar quarter, containing a list of gifts which he or she~~  
72 ~~believes to be in excess of \$100 in value, if any, accepted by~~  
73 ~~him or her, for which compensation was not provided by the donee~~  
74 ~~to the donor within 90 days of receipt of the gift to reduce the~~  
75 ~~value to \$100 or less, except the following:~~

76 ~~1. Gifts from relatives.~~

77 ~~2. Gifts prohibited by subsection (4) or s. 112.313(4).~~

78 ~~3. Gifts otherwise required to be disclosed by this~~  
79 ~~section.~~

80 ~~(b) The statement shall include:~~

81 ~~1. A description of the gift, the monetary value of the~~  
82 ~~gift, the name and address of the person making the gift, and~~  
83 ~~the dates thereof. If any of these facts, other than the gift~~  
84 ~~description, are unknown or not applicable, the report shall so~~  
85 ~~state.~~

86 ~~2. A copy of any receipt for such gift provided to the~~  
87 ~~reporting individual or procurement employee by the donor.~~

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88 ~~(c) The statement may include an explanation of any~~  
89 ~~differences between the reporting individual's or procurement~~  
90 ~~employee's statement and the receipt provided by the donor.~~

91 ~~(d) The reporting individual's or procurement employee's~~  
92 ~~statement shall be sworn to by such person as being a true,~~  
93 ~~accurate, and total listing of all such gifts.~~

94 ~~(e) Statements must be filed not later than 5 p.m. of the~~  
95 ~~due date. However, any statement that is postmarked by the~~  
96 ~~United States Postal Service by midnight of the due date is~~  
97 ~~deemed to have been filed in a timely manner, and a certificate~~  
98 ~~of mailing obtained from and dated by the United States Postal~~  
99 ~~Service at the time of the mailing, or a receipt from an~~  
100 ~~established courier company, which bears a date on or before the~~  
101 ~~due date constitutes proof of mailing in a timely manner.~~

102 ~~(f) If a reporting individual or procurement employee has~~  
103 ~~not received any gifts described in paragraph (a) during a~~  
104 ~~calendar quarter, he or she is not required to file a statement~~  
105 ~~under this subsection for that calendar quarter.~~

106 (8)(9) A person, other than a lobbyist regulated under s.  
107 11.045, who violates ~~the provisions of~~ subsection (5) commits a  
108 noncriminal infraction, punishable by a fine of up to not more  
109 than \$5,000 and by a prohibition for a period of not more than  
110 24 months on lobbying, or employing a lobbyist to lobby, before  
111 the agency of the reporting individual or procurement employee  
112 to which the gift was given in violation of subsection (5), ~~for~~  
113 ~~a period of not more than 24 months.~~ The state attorney, or an  
114 agency, if otherwise authorized, may initiate an action to  
115 impose or recover a fine authorized under this section or to  
116 impose or enforce a limitation on lobbying provided in this

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117 section.

118 ~~(9) (a) (10)~~ A member of the Legislature may request an  
 119 advisory opinion from the general counsel of the house of which  
 120 he or she is a member as to the application of this section to a  
 121 specific situation. The general counsel shall issue the opinion  
 122 within 10 days after receiving the request. The member of the  
 123 Legislature may reasonably rely on such opinion.

124 (b) A reporting individual or procurement employee may  
 125 request an advisory opinion from his or her agency's attorney as  
 126 to the application of this section to a specific situation. The  
 127 attorney shall issue the opinion within 10 days after receiving  
 128 the request. The reporting individual or procurement employee  
 129 may reasonably rely on such opinion.

130 Section 3. Subsection (8) of section 112.3149, Florida  
 131 Statutes, is amended to read:

132 112.3149 Solicitation and disclosure of honoraria.—

133 (8) (a) A member of the Legislature may request an advisory  
 134 opinion from the general counsel of the house of which he or she  
 135 is a member as to the application of this section to a specific  
 136 situation. The general counsel shall issue the opinion within 10  
 137 days after receiving the request. The member of the Legislature  
 138 may reasonably rely on such opinion.

139 (b) A reporting individual or procurement employee may  
 140 request an advisory opinion from his or her agency's attorney as  
 141 to the application of this section to a specific situation. The  
 142 attorney shall issue the opinion within 10 days after receiving  
 143 the request. The reporting individual or procurement employee  
 144 may reasonably rely on such opinion.

145 Section 4. Subsection (7) of section 112.317, Florida

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146 Statutes, is amended to read:

147 112.317 Penalties.—

148 (7) ~~If in any case in which~~ the commission determines that  
 149 a person has filed a complaint against a public officer or  
 150 employee with ~~a~~ malicious intent to injure the reputation of  
 151 such officer or employee, which intent may be shown by the  
 152 filing of the complaint with knowledge that the complaint  
 153 contains one or more false allegations or with reckless  
 154 disregard for whether the complaint contains false allegations  
 155 of fact material to a violation of this part:—

156 (a) The complainant is ~~shall be~~ liable for costs and plus  
 157 reasonable attorney fees incurred in the defense of the person  
 158 complained against, including the costs and reasonable attorney  
 159 fees incurred in proving entitlement to and the amount of costs  
 160 and fees; and

161 (b) If the commission further finds the complainant  
 162 willfully disclosed, or permitted to be disclosed, the existence  
 163 or contents of the complaint, or any document, action, or  
 164 proceeding in connection with a preliminary investigation of the  
 165 commission, before such complaint, document, action, or  
 166 proceeding became a public record as provided in this part, the  
 167 commission shall impose on the complainant a civil penalty of  
 168 not less than \$1,000 but not more than \$5,000.

169  
 170 If the complainant fails to pay such penalty, if any, costs, and  
 171 fees voluntarily within 30 days after following such finding by  
 172 the commission, the commission shall forward such information to  
 173 the Department of Legal Affairs, which shall bring a civil  
 174 action ~~in a court of competent jurisdiction~~ to recover the

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175 amount of such penalty, costs, and fees awarded by the  
 176 commission.

177 Section 5. Present subsections (4) through (9) of section  
 178 112.322, Florida Statutes, are redesignated as subsections (5)  
 179 through (10), respectively, and a new subsection (4) is added to  
 180 that section, to read:

181 112.322 Duties and powers of commission.—

182 (4) The commission shall dismiss a complaint that a state,  
 183 county, municipal, or school district officer or employee  
 184 violated any provision of this part or s. 8, Art. II of the  
 185 State Constitution relating to a possible conflict of interest  
 186 if the commission finds that, before the act that forms the  
 187 basis of the complaint, the officer or employee:

188 (a) Consulted with his or her agency's attorney;

189 (b) Provided a full and complete written disclosure or made  
 190 an oral disclosure at a duly noticed public meeting of all  
 191 material facts relevant to the allegation before the commission;

192 (c) Received a written or oral opinion at a duly noticed  
 193 public meeting from his or her agency's attorney relating to the  
 194 allegation before the commission; and

195 (d) Reasonably relied upon the opinion of the agency's  
 196 attorney and acted in accordance with the opinion.

197 Section 6. Section 112.326, Florida Statutes, is amended to  
 198 read:

199 112.326 Additional requirements by political subdivisions  
 200 and agencies not prohibited.—Nothing in this part prohibits act  
 201 shall prohibit the electors or the governing body of a any  
 202 political subdivision, by charter or ordinance, or agency, by  
 203 rule, from imposing upon its own officers and employees

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204 additional or more stringent standards of conduct and disclosure  
 205 requirements than those specified in this part, if provided that  
 206 those standards of conduct and disclosure requirements do not  
 207 otherwise conflict with the provisions of this part. A political  
 208 subdivision is prohibited from imposing additional or more  
 209 stringent standards of conduct and disclosure requirements upon  
 210 the officers and employees of another political subdivision.

211 Section 7. Section 286.012, Florida Statutes, is amended to  
 212 read:

213 286.012 Voting requirement at meetings of governmental  
 214 bodies.—No member of any state, county, or municipal  
 215 governmental board, commission, or agency who is present at any  
 216 meeting of any such body at which an official decision, ruling,  
 217 or other official act is to be taken or adopted may abstain from  
 218 voting in regard to ~~any~~ such decision, ruling, or act; and a  
 219 vote shall be recorded or counted for each such member present,  
 220 unless except when, with respect to any such member, there is,  
 221 or appears to be, a possible conflict of interest under the  
 222 provisions of s. 112.311, s. 112.313, ~~or~~ s. 112.3143, or  
 223 additional or more stringent standards of conduct, if any,  
 224 adopted pursuant to s. 112.326. In such cases, such ~~said~~ member  
 225 shall comply with the disclosure requirements of s. 112.3143 or  
 226 any disclosure requirements adopted under s. 112.326.

227 Section 8. If any provision of this act or its application  
 228 to any person or circumstance is held invalid, the invalidity  
 229 does not affect other provisions or applications of the act  
 230 which can be given effect without the invalid provision or  
 231 application, and to this end the provisions of this act are  
 232 severable.

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233 Section 9. Except as otherwise expressly provided in this  
234 act, this act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Banking and Insurance, *Vice Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Children, Families, and Elder Affairs  
Ethics and Elections  
Gaming  
Transportation

**SENATOR JEFF CLEMENS**

27th District

January 16, 2014

Senator Jack Latvala, Chair  
Committee on Ethics and Elections  
420 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Latvala:

I respectfully request that SB 606 – Governmental Ethics be added to the agenda for the next Committee on Ethics and Elections meeting.

Please feel free to contact me with any questions. Thank you, in advance, for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Clemens".

Senator Jeff Clemens  
Florida Senate District 27

REPLY TO:

508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143  
 226 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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: CS/SB 846

INTRODUCER: Ethics and Elections Committee and Senator Latvala

SUBJECT: Governmental Ethics

DATE: February 18, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	<b>Fav/CS</b>
2.			CA	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 846 contains ethical reforms for several quasi-governmental entities. Specifically, the changes will apply to:

- The Florida Clerk of Courts Operation Corporation;
- Enterprise Florida, Inc.;
- The divisions, including any corporations created to carry out its missions, of Enterprise Florida, Inc.;
- The Florida Development Finance Corporation; and
- Space Florida.

Among those changes, the Committee Substitute makes clear that members of the governing bodies of those entities are subject to certain standards of conduct, anti-nepotism provisions, voting conflicts, and post-service lobbying restrictions. A two year post-service prohibition on lobbying is also applied to members of Citizens Property Insurance Corporation.

The Committee Substitute also requires elected municipal officers to complete 4 hours of annual ethics, public records, and open meetings training. Beginning January 1, 2015, all officers subject to the training requirement must certify their completion of the requirement on their annual financial disclosure form. CS/SB 846 provides that an officer who assumes office after March 31 is not subject to the ethics training requirement until the following year. However, a person who assumes office on or before March 31 is required to complete ethics training in the

year in which he or she assumes office. The Committee Substitute clarifies that failure to certify completion of the hours is not an immaterial, inconsequential, or de minimis error or omission.

The financial disclosure laws are amended to provide a mechanism for the Commission on Ethics to initiate proceedings, without having first received a complaint, against a person who has failed or refused to file their annual financial disclosure form and has accrued the maximum automatic fine. If the Commission initiates a proceeding, it would determine whether the failure to file was willful and, if so, recommend to the appropriate person or governing board that the officer be removed from office. The Committee Substitute also clarifies the provisions concerning complaints that allege an immaterial, inconsequential, or de minimis error or omission.

CS/SB 846 amends the provisions that were passed as part of Senate Bill 2 last year providing the Commission additional tools to collect unpaid automatic fines for failure to file annual financial disclosure. Specifically, the bill clarifies that there are two separate processes available. The first provision codifies the common law right of employers to withhold salary-related payments as it would be applicable to public officers and employees. Under this provision, the Committee Substitute authorizes withholding an amount up to the entire amount of any salary-related payment. There is an exception for current public officers and employees whose public salary is his or her primary source of income, and that withholding the full amount of the fine owed would present an undue hardship. Under those circumstances, the entity paying the salary-related payment would be authorized to reduce the withholding to not less than ten percent of the salary-related payment. The Committee Substitute clarifies that this process is separate and distinct from the ability to garnish wages by moving those provisions to a newly created statute.

CS/SB 846 requires certain citizen support and direct support organizations to adopt a code of ethics and specifies that certain provisions must be included in the code of ethics. Those organizations are authorized to adopt additional or more stringent standards of conduct and disclosure requirements than are contained in the state's Code of Ethics for Public Officers and Employees. Those organizations are required to conspicuously post their code of ethics on their website.

CS/SB 846 also regulates those who lobby certain independent special districts by creating a statute that essentially mirrors the legislative lobbying provisions in s. 11.045, F.S., and the executive branch lobbying provisions in s. 112.3215, F.S. The Committee Substitute will require:

- lobbyists to register for each principal represented;
- prohibit unregistered lobbyists from representing clients before special districts;
- file quarterly compensation reports;
- require special districts to maintain those filings and make them available to the public;
- impose fines for failing to file the quarterly compensation reports;
- prohibit expenditures from lobbyists;
- provide jurisdiction to the Commission concerning complaints alleging violations of the new requirements; and
- require the districts to adopt procedures and forms to implement the new system.

CS/SB 846 has an effective date of July 1, 2014.

## II. Present Situation:

*For purposes of this analysis, the present situation will be addressed in the Effect of Proposed Changes section below.*

## III. Effect of Proposed Changes:

### QUASI-GOVERNMENTAL ENTITIES

#### Florida Clerks of Court Operations Corporation:

##### Current law:

The Florida Clerks of Court Operations Corporation is created as a “*public corporation*” in s. 28.35, F.S.<sup>1</sup> Its membership consists of each of the Florida Clerks of Circuit Court. The Corporation is governed by an executive council which is composed of eight Clerks who are elected by the members, a designee of the President of the Florida Senate, a designee of the Speaker of the Florida House of Representatives, and a designee of the Chief Justice of the Florida Supreme Court. The Clerks of the Circuit Court are subject to the Code of Ethics for Public Officers and Employees in Part III, Chapter 112, Florida Statutes, (“Code of Ethics”) in their official capacities as Clerks of Circuit Court.

It is not clear that the members of the Executive Council would be subject to the Code of Ethics in that capacity.<sup>2</sup> A public corporation like this Corporation would not be an “agency” unless there is specific language to that effect. In the case of this Corporation, s. 28.35(1)(c), F.S., states:

The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The corporation is not subject to chapter 120.

Political subdivisions are, in fact, an “agency” pursuant to s. 112.312(2), F.S. However, in the context of s. 28.35(1)(c), F.S., it appears that that phrase is used only to exempt the Corporation from corporate income tax. Moreover, if the Legislature intended to subject these types of entities to the Code of Ethics, in whole or in part, it has historically done so expressly.<sup>3</sup>

##### Effect of Proposed Changes:

CS/SB 846 clarifies that members of the Florida Clerks of Court Operations Corporation Executive Council are subject to the standards of conduct in s. 112.313, F.S., the “anti-nepotism”

<sup>1</sup> Section 28.35(1)(a), F.S.

<sup>2</sup> Unless otherwise specified, the various provisions of the Code of Ethics only apply to public officers and public employees. Those provisions contemplate service to an “agency.” For purposes of the Code of Ethics, the term “agency” means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state herein; or any public school, community college, or state university. See, s. 112.312(2), F.S.

<sup>3</sup> See, for example, s. 627.351(6)(d)3., Florida Statutes.

provision in s. 112.3135, F.S., and the voting conflicts standard applicable to state officers in s. 112.3143(2), F.S. The Committee Substitute clarifies that, for purposes of those sections, the members of the Executive Council are public officers or employees. Finally, members of the Executive Council are prohibited from representing others for compensation before the Corporation for a period of two years after the end of their service on the Council.<sup>4</sup>

Enterprise Florida, Inc. and its Divisions:

Current law:

Enterprise Florida, Inc., is created in s. 288.901, F.S., as a non-profit corporation. It is expressly provided that Enterprise Florida, Inc., is “not a unit or entity of state government.” The members of the Board of Directors of Enterprise Florida, Inc., is composed of various state officers and private individuals.<sup>5</sup>

Notwithstanding that Enterprise Florida, Inc., is not a unit or entity of state government, the Legislature has provided that the members of its Board of Directors are subject to the anti-nepotism provision in s. 112.3135, F.S., the voting conflicts standard applicable to statewide officers in s. 112.3143(2), F.S., and the standards of conduct in s. 112.313, Florida Statutes. However, s. 288.901(1)(c), F.S. specifically exempts members of the Board of Directors from the prohibition on “quid pro quo” gifts in s. 112.313(2), F.S.<sup>6</sup> Finally, members of the Board of Directors who are not otherwise required to file annual financial disclosure are required to file an Annual Statement of Financial Interests pursuant to s. 112.3145, F.S.

The statutes are silent concerning application of any provisions of the Code of Ethics to the Divisions of Enterprise Florida authorized pursuant to s. 288.92, F.S.

Effect of Proposed Changes:

CS/SB 846 prohibits members of the Board of Directors from accepting “quid pro quo” gifts as provided in s. 112.313(2), F.S. The members of the Board of Directors would be prohibited from representing others for compensation before the Corporation for a period of two years after the end of their service on the Board pursuant to s. 112.313(9), F.S.<sup>7</sup>

The officers and agents of the Divisions of Enterprise Florida, and corporations created to carry out its mission, would be subject to the standards of conduct in s. 112.313, F.S., the anti-nepotism provision in s. 112.3135, F.S., and the voting conflicts standard applicable to statewide

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<sup>4</sup> By its own terms, s. 112.313(9), F.S., applies to various officers and employees throughout three branches of state government. The Executive Council of the Florida Clerk of Courts Operations Corporation does not appear to fit into any of the definitions limiting the scope of s. 112.313(9), F.S. While stylistically unusual, the use of “including s. 112.313(9), F.S.” is intended to clarify that the two year lobbying prohibition therein applies to members of the Executive Council.

<sup>5</sup> Section 288.901(5)-(7), F.S.

<sup>6</sup> Section 112.313(2), F.S., prohibits solicitation or acceptance of anything of value when based upon any understanding that the officer’s vote, official action, or judgment would be influenced by the gift.

<sup>7</sup> By its own terms, s. 112.313(9), F.S., applies to various officers and employees throughout three branches of state government. Neither the Board of Directors of Enterprise Florida nor the officers and agents of its divisions fit into any of the definitions limiting the scope of s. 112.313(9), F.S. While stylistically unusual, the use of “including s. 112.313(9), F.S.” is intended to clarify that the two year lobbying prohibition therein applies to members of the Board.

officers in s. 112.3143(2), F.S. As with the members of the Board of Directors, the officers and agents of the Divisions of Enterprise Florida (including corporations created to carry out its mission) are prohibited from representing others for compensation before the Corporation for a period of two years after the end of their service pursuant to s. 112.313(9), F.S.

### Florida Development Finance Corporation

#### Current law:

The Florida Development Finance Corporation is created in s. 288.9604, F.S., to assist businesses interested in moving into Florida with obtaining financing and other economic information and services.<sup>8</sup> The Corporation is “created a public body corporate and politic” and is “constituted as a public instrumentality.” The Board of Directors is composed of 5 members selected by the Governor who were nominated by Enterprise Florida, Inc.”<sup>9</sup> The statutes are silent as to the applicability of the Code of Ethics to the members of the Board of Directors of the Florida Development Finance Corporation.

#### Effect of Proposed Changes:

While an argument could be made that the Florida Development Finance Corporation is subject to the entire Code of Ethics, the enabling legislation does not clearly state that any provision of the Code of Ethics applies to the Corporation. As noted above, the Legislature has historically expressly made entities like this subject to the Code in whole or in part. The Legislature has not done so in this case. So, CS/SB 846 clarifies that members of the Florida Development Finance Corporation Board of Directors are subject to the standards of conduct in s. 112.313, F.S., the “anti-nepotism” provision in s. 112.3135, F.S., and the voting conflicts standard applicable to state officers in s. 112.3143(2), F.S. The Committee Substitute clarifies that, for purposes of those sections, the members of the Board of Directors are public officers or employees. Finally, members of the Board of Directors would be prohibited from representing others for compensation before the Corporation for a period of two years after the end of their service on the Board.<sup>10</sup>

### Space Florida

#### Current law:

Space Florida is an independent special district, body politic and corporate, and a subdivision of the State created to promote the aerospace industry in Florida.<sup>11</sup> It is governed by a Board of Directors with thirteen members appointed to the Board of Directors of Enterprise Florida

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<sup>8</sup> Section 288.9602, F.S.

<sup>9</sup> Section 288.9604(2), F.S.

<sup>10</sup> By its own terms, s. 112.313(9), F.S., applies to various officers and employees throughout three branches of state government. The Florida Development Finance Corporation Board of Directors does not appear to fit into any of the definitions limiting the scope of s. 112.313(9), F.S. While stylistically unusual, the use of “including s. 112.313(9), F.S.” is intended to clarify that the two year lobbying prohibition therein applies to members of the Board of Directors.

<sup>11</sup> Section 331.302(1), F.S.

pursuant to s. 288.901(5)(a)7, F.S., and the Governor or his designee.<sup>12</sup> While there can be an argument made that Space Florida is an agency whose officers and employees are subject to the Code of Ethics, the enabling legislation does not specifically state that the Code of Ethics applies to the members of the Board of Directors. As noted above, the Legislature has historically expressly made entities like this subject to the Code in whole or in part.

Effect of Proposed Changes:

CS/SB 846 clarifies that members of the Space Florida Board of Directors are subject to the standards of conduct in s. 112.313, F.S., the “anti-nepotism” provision in s. 112.3135, F.S., and the voting conflicts standard applicable to state officers in s. 112.3143(2), F.S. The Committee Substitute clarifies that, for purposes of those sections, the members of the Board of Directors are public officers or employees. Finally, members of the Board of Directors would be prohibited from representing others for compensation before the Corporation for a period of two years after the end of their service on the Board.<sup>13</sup>

Citizens Property Insurance Corporation

Current law:

Citizens Property Insurance Corporation is created in s. 627.351(6), F.S., to ensure there is an orderly market for property insurance for Floridians. Pursuant to s. 627.351(6)(d)3., F.S., senior managers and members of the Board of Governors are subject to the Code of Ethics and are required to file annual financial disclosure pursuant to s. 112.3145, F.S.

Effect of Proposed Changes:

CS/SB 846 prohibits former members of the Board of Governors from representing another person or entity before the corporation for a period of two years after leaving the Board of Governors. Additionally, a former member of the Board of Governors may not enter employment or a contractual relationship with an insurer that entered into a take-out bonus agreement with the Corporation while he or she was on the Board for a period of two years.

**ANNUAL ETHICS TRAINING**

Current Law:

Currently, constitutional officers are required to complete a minimum of four hours of ethics training annually.<sup>14</sup> The law requires training in ethics, public records, and open meetings laws.

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<sup>12</sup> Section 331.3081, F.S.

<sup>13</sup> By its own terms, s. 112.313(9), F.S., applies to various officers and employees throughout three branches of state government. The Florida Development Finance Corporation Board of Directors does not appear to fit into any of the definitions limiting the scope of s. 112.313(9), F.S. While stylistically unusual, the use of “including s. 112.313(9), F.S.” is intended to clarify that the two year lobbying prohibition therein applies to members of the Board of Directors.

<sup>14</sup> Section 112.3142, F.S.

In accordance with statutory requirement, the Commission has promulgated rules specifying what provisions of Florida's ethics laws must be covered.<sup>15</sup>

Effect of Proposed Changes:

CS/SB 846 requires elected municipal officers to complete the required ethics training. Beginning January 1, 2015, all officers subject to the training requirement must certify completion of the requirement on their annual financial disclosure forms. CS/SB 846 provides that an officer who assumes office after March 31 is not subject to the ethics training requirement until the following year. However, a person who assumes office on or before March 31 is required to complete ethics training in the year in which he or she assumes office. Finally, CS/SB 846 specifies that failure to affirm completion of the ethics training requirement does not constitute an immaterial, inconsequential, or de minimis error or omission. Therefore, a person who fails to indicate he or she completed the ethics training requirement does not get the opportunity to amend their form. Rather, the complaint proceedings begin immediately.

**FINANCIAL DISCLOSURE**

Current Law:

Pursuant to ss. 112.3144 and 112.3145, F.S., certain public officers are required to file financial disclosure annually. Failure to file financial disclosure results in an automatic fine of \$25 per day, up to a maximum of \$1,500. If a filer fails to pay the fine as required by law, the unpaid fine can be given to a collections agency for collection, money may be withheld from the filer's public paycheck, or the Commission on Ethics, or its collection agency, can seek garnishment of the filer's private wages.

Currently, the Commission on Ethics may not initiate an investigation into alleged violations of the financial disclosure laws, or any other laws, without having first received a complaint.

Effects of Proposed Changes:

CS/SB 846 amends the financial disclosure laws by providing a mechanism for the Commission on Ethics to initiate proceedings, without having first received a complaint, against a person who has failed or refused to file their annual financial disclosure form and has accrued the maximum automatic fine. These complaints would follow the same procedure in place for any other ethics complaint made to the Commission. If the Commission initiates a proceeding, it would determine whether the failure to file was willful and, if so, recommend to the appropriate person or governing board that the officer be removed from office. The Committee Substitute also clarifies the provisions concerning complaints that allege an immaterial, inconsequential, or de minimis error or omission. The linguistic changes are not intended to effect the current process for complaints alleging an immaterial, inconsequential, or de minimis error or omission. That process, passed as part of Senate Bill 2 last year, requires the Commission to allow the filer a chance to amend his or her financial disclosure form if the Commission receives a complaint after August 25<sup>th</sup> alleging *only* an immaterial, inconsequential, or de minimis error or omission.

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<sup>15</sup> Rule 34-7.025, F.A.C.

CS/SB 846 amends the provisions that were passed as part of Senate Bill 2 last year providing the Commission additional tools to collect unpaid automatic fines for failure to file annual financial disclosure. Specifically, CS/SB 846 clarifies that there are two separate processes available. The first provision codifies the common law right of employers to withhold salary-related payments as it would be applicable to public officers and employees.<sup>16</sup> Under this provision, the Committee Substitute authorizes withholding an amount up to the entire amount of any salary-related payment and any additional amount from the next salary-related payment necessary to pay off any remaining balance of the fine. There is an exception for current public officers and employees whose public salary is his or her primary source of income, and that withholding the full amount of the fine owed would present an undue hardship. Under those circumstances, the entity paying the salary-related payment would be authorized to reduce the withholding to not less than ten percent of the salary-related payment. CS/SB 846 clarifies that this process is separate and distinct from the ability to garnish wages by moving those provisions to a newly created statute.

### **CITIZEN SUPPORT ORGANIZATIONS (“CSOs”) AND DIRECT SUPPORT ORGANIZATIONS (“DSOs”)**

#### Current law:

Currently, s. 112.326, F.S., authorizes the governing body of any political subdivision, by ordinance, or agency, by rule, to impose upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in the Code of Ethics, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of the Code of Ethics.

#### Effect of Proposed Changes:

CS/SB 846 requires citizen support and direct support organizations to adopt a code of ethics and specifies that certain provisions must be included in the code of ethics. Specifically, the code of ethics adopted must contain the standards of conduct in s. 112.313, F.S.<sup>17</sup> Those organizations are authorized to adopt additional or more stringent standards of conduct and disclosure requirements than are contained in the state’s Code of Ethics for Public Officers and Employees. Citizen support and direct support organizations are required to conspicuously post their code of ethics on their website.

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<sup>16</sup> See, for example, *Atwater v. Roudebush*, 42 F.Supp. 622 (D.C. IL, 1976).

<sup>17</sup> Section 112.313, F.S., contains the major standards of conduct including, but not limited to: Solicitation and acceptance of anything of value under certain circumstances; doing business with one’s own agency; misuse of public position, certain employment or contractual relationships; disclosure of certain information learned by virtue of one’s public position in order to benefit oneself or others; and several other provisions.

## **INDEPENDENT SPECIAL DISTRICTS**

### **Current Law:**

Currently, there are no provisions of law that require lobbyists to register before lobbying special independent districts. Also, there is no requirement that the lobbyists disclose the identity of those who retained them or the compensation paid to the lobbyist for his or her services. Finally, there is no provision that is an outright ban on lobbyists giving anything of value to those who run or serve on boards of independent special districts.

Currently, the only applicable laws regulating what can be given to those who run or serve on boards of independent special districts are: the prohibition against “quid pro quo” gifts in s. 112.313(2), F.S., regardless of value; the prohibition against unauthorized compensation in s. 112.313(4), F.S., regardless of value.; and the “old” gifts law in s. 112.3148, F.S., which prohibits solicitation and acceptance of gifts from certain individuals, including lobbyists, over \$100 in value. Section 112.3148, F.S., also imposes certain disclosure requirements on the lobbyist and public officers and employees.

### **Effects of Proposed Changes:**

CS/SB 846 regulates those who lobby certain independent special districts by creating a statute that essentially mirrors the legislative lobbying provisions in s. 11.045, F.S., and the executive branch lobbying provisions in s. 112.3215, F.S. CS/SB 846 applies to expressway authorities, port authorities, water management districts, hospital districts, children’s services districts, or any other independent special district exercising ad valorem taxing authority. Specifically, the Committee Substitute will:

- Require lobbyists of those districts to register for each principal represented.
- Prohibit unregistered lobbyists from representing clients before districts.
- The districts will be required to maintain a publicly available list of all registered lobbyists.
- Lobbyists will be required to file quarterly compensation reports, specifying compensation provided or owed to the lobbying firm in the following categories: \$0; \$1-\$49,999; \$50,000-\$99,999; \$100,000-\$249,999; \$250,000-\$499,999; \$500,000-\$999,999; and \$1 million or more.
- Lobbyists will also be required to detail compensation provided or owed to the lobbying firm on their quarterly reports in the following categories: \$0; \$1-\$9,999; \$10,000-\$19,999; \$20,000-\$29,999; \$30,000-\$39,999; \$40,000-\$9,999; or \$50,000 or more. If more than \$50,000 is disclosed, the specific dollar amount must be reported, rounded to the nearest thousand dollars.
- Require special districts to maintain those filings and make them available to the public.
- Require districts to impose automatic fines of \$50 per day, up to a maximum of \$5,000, for failing to timely file the quarterly compensation reports.
- Require districts to hear appeals of the automatic fine for failing to file the quarterly compensation reports.
- Authorize districts to waive a fine when the lobbying firm demonstrates good cause for waiving the fine.

- Permits the districts to convert the unpaid fine to a judgment to allow for collection of the unpaid automatic fines.
- Requires moneys collected to be used for administration of the lobbyist registration program.
- Prohibit any expenditure from lobbyists, regardless of value.
- Prohibit payment of compensation for lobbying to a person or entity that is not a lobbying firm.
- Provides that the Commission on Ethics has exclusive jurisdiction of complaints alleging violations of the new requirements.
- Permits lobbyists and lobbying firms to seek an advisory opinion from the Commission on Ethics to establish required conduct.
- Requires the districts to adopt procedures and forms to implement the new lobbying laws.

#### **IV. Constitutional Issues:**

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

None.

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

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Section 8 of the Committee Substitute, concerning lobbying special districts, may result in lobbyists having to pay a fee of up to \$40 per principal to the special district. Because the number of lobbyists vary depending on the district, and the permissive nature of the registration fee provision, the actual impact is indeterminate.

##### **C. Government Sector Impact:**

CS/SB 846 imposes additional requirements to conduct complaint proceedings related to financial disclosure and independent special district lobbying. The number of additional proceedings that may result is indeterminate.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 28.35, 112.3142, 112.3144, 112.3145, 112.31455, 288.901, 288.92, 288.9604, 331.3081, and 627.351.

This bill also creates ss. 112.31456, 112.3251, and 112.3261, F.S.

**IX. Additional Information:**

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

**CS by Ethics and Elections on February 17, 2014:**

The Committee Substitute differs from the original bill in that it:

- Provides that the requirement to certify completion of annual ethics training on financial disclosure forms is effective January 1, 2015;
- Subjects expressway authorities and port authorities to the lobbying provisions concerning independent special districts;
- Requires moneys collected pursuant to the special district lobbying provisions to be used solely for administration of those provisions; and
- Provides that those who assume office after March 31 do not have to complete annual ethics training until the next calendar year. Those assuming office on or before March 31 are required to complete ethics training prior to the end of the year in which they assume office.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
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The Committee on Ethics and Elections (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 127 - 152

and insert:

Section 2. Section 112.3142, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the



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11 Attorney General, the Chief Financial Officer, the Commissioner  
12 of Agriculture, state attorneys, public defenders, sheriffs, tax  
13 collectors, property appraisers, supervisors of elections,  
14 clerks of the circuit court, county commissioners, district  
15 school board members, and superintendents of schools.

16 (2) (a) All constitutional officers must complete 4 hours of  
17 ethics training each calendar year which annually that  
18 addresses, at a minimum, s. 8, Art. II of the State  
19 Constitution, the Code of Ethics for Public Officers and  
20 Employees, and the public records and public meetings laws of  
21 this state. This requirement may be satisfied by completion of a  
22 continuing legal education class or other continuing  
23 professional education class, seminar, or presentation if the  
24 required subjects are covered.

25 (b) Beginning January 1, 2015, all elected municipal  
26 officers must complete 4 hours of ethics training each calendar  
27 year which addresses, at a minimum, s. 8, Art. II of the State  
28 Constitution, the Code of Ethics for Public Officers and  
29 Employees, and the public records and public meetings laws of  
30 this state. This requirement may be satisfied by completion of a  
31 continuing legal education class or other continuing  
32 professional education class, seminar, or presentation if the  
33 required subjects are covered.

34 (c) ~~(b)~~ The commission shall adopt rules establishing  
35 minimum course content for the portion of an ethics training  
36 class which that addresses s. 8, Art. II of the State  
37 Constitution and the Code of Ethics for Public Officers and  
38 Employees.

39 (d) The Legislature intends that a constitutional officer



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40 or elected municipal officer who is required to complete ethics  
41 training pursuant to this section receive the required training  
42 as close as possible to the date that he or she assumes office.  
43 A constitutional officer or elected municipal officer assuming a  
44 new office or new term of office on or before March 31 must  
45 complete the annual training on or before December 31 of the  
46 year in which the term of office began. A constitutional officer  
47 or elected municipal officer assuming a new office after March  
48 31 is not required to complete ethics training for the calendar  
49 year in which he or she assumes the new office.

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

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 9

56 and insert:

57 training; providing legislative intent; amending s.

58 112.3144, F.S.; requiring an



115202

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
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The Committee on Ethics and Elections (Latvala) recommended the following:

**Senate Amendment**

Delete line 165

and insert:

Additionally, beginning January 1, 2015, an officer who is required to complete annual

Delete line 237

and insert:

(4) Beginning January 1, 2015, an officer who is required



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11 to complete annual ethics



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
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The Committee on Ethics and Elections (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 383 - 591

and insert:

Section 8. Section 112.3261, Florida Statutes, is created to read:

112.3261 Lobbying before expressway authorities, independent special districts, port authorities; registration and reporting.—

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



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- 11        (a) "Compensation" has the same meaning as in s. 112.3215.  
12        (b) "Expenditure" has the same meaning as in s. 112.3215.  
13        (c) "Expressway authority" has the same meaning as the term  
14 "authority" in s. 348.0002.  
15        (d) "Independent special district" means a water management  
16 district, hospital district, children's services district, or  
17 any independent special district, as defined in s. 189.403, that  
18 exercises ad valorem taxing authority.  
19        (e) "Lobbies" means seeking, on behalf of another person,  
20 to influence an expressway authority, independent special  
21 district, or port authority with respect to a decision of the  
22 authority or district in an area of policy or procurement or an  
23 attempt to obtain the goodwill of an authority or district  
24 official or employee.  
25        (f) "Lobbying firm" has the same meaning as in s. 112.3215.  
26        (g) "Lobbyist" has the same meaning as in s. 112.3215.  
27        (h) "Port authority" has the same meaning as in s. 315.02.  
28        (i) "Principal" has the same meaning as in s. 112.3215.  
29        (2) A person may not lobby an expressway authority,  
30 independent special district, or port authority until such  
31 person has registered as a lobbyist with that authority or  
32 district. Such registration shall be due upon initially being  
33 retained to lobby and is renewable on a calendar-year basis  
34 thereafter. Upon registration, the person shall provide a  
35 statement signed by the principal or principal's representative  
36 stating that the registrant is authorized to represent the  
37 principal. The principal shall also identify and designate its  
38 main business on the statement authorizing that lobbyist  
39 pursuant to a classification system approved by the authority or



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40 district. The registration form shall require each lobbyist to  
41 disclose, under oath, the following:

42 (a) The lobbyist's name and business address.

43 (b) The name and business address of each principal  
44 represented.

45 (c) The lobbyist's area of interest.

46 (d) The existence of any direct or indirect business  
47 association, partnership, or financial relationship with any  
48 employee of an authority or district with which he or she  
49 lobbies or intends to lobby.

50 (3) An expressway authority, independent special district,  
51 or port authority shall make lobbyist registrations available to  
52 the public. If an authority or district maintains a website, a  
53 database of current registered lobbyists and principals must be  
54 available on the authority's or district's website.

55 (4) A lobbyist shall promptly send a written statement to  
56 the expressway authority, independent special district, or port  
57 authority cancelling the registration for a principal upon  
58 termination of the lobbyist's representation of that principal.  
59 An authority or district may remove the name of a lobbyist from  
60 the list of registered lobbyists if the principal notifies the  
61 authority or district that a person is no longer authorized to  
62 represent that principal.

63 (5) An expressway authority, independent special district,  
64 or port authority may establish an annual lobbyist registration  
65 fee, not to exceed \$40, for each principal represented.

66 (6) (a) 1. Each lobbying firm shall file a compensation  
67 report with the expressway authority, independent special  
68 district, or port authority for each calendar quarter during any



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69 portion of which one or more of the firm's lobbyists were  
70 registered to represent a principal. The compensation report  
71 shall include the following:

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

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

75 c. Total compensation provided or owed to the lobbying firm  
76 from all principals for the reporting period, reported in one of  
77 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;  
78 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
79 \$999,999; \$1 million or more.

80 2. For each principal represented by one or more of the  
81 firm's lobbyists, the lobbying firm's compensation report shall  
82 also include the following:

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

85 b. Total compensation provided or owed to the lobbying firm  
86 for the reporting period, reported in one of the following  
87 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
88 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
89 more. If the category "\$50,000 or more" is selected, the  
90 specific dollar amount of compensation must be reported, rounded  
91 up or down to the nearest \$1,000.

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

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

97 b. The reporting lobbying firm shall, for each lobbying



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98 firm identified under subparagraph 2., identify the name and  
99 address of the principal originating the lobbying work.

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

103 (b) For each principal represented by more than one  
104 lobbying firm, the authority or district shall aggregate the  
105 quarterly reporting period and calendar-year compensation  
106 reported as provided or owed by the principal.

107 (c) The reporting statements shall be filed no later than  
108 45 days after the end of each reporting period. The four  
109 reporting periods are from January 1 through March 31, April 1  
110 through June 30, July 1 through September 30, and October 1  
111 through December 31, respectively. Reporting statements may be  
112 filed by electronic means established by the authority or  
113 district.

114 (d) The authority or district shall establish procedures  
115 with respect to notifying a lobbying firm that fails to timely  
116 file a report and is assessed a fine, the grounds for waiving a  
117 fine, and the appeal of an assessed fine. The procedures shall  
118 address the following:

119 1. Upon determining that the report is late, the person  
120 designated to review the timeliness of reports shall immediately  
121 notify the lobbying firm of its failure to timely file the  
122 report and that a fine is being assessed for each late day. The  
123 fine shall be \$50 per day per report for each late day, up to a  
124 maximum fine of \$5,000 per late report.

125 2. Upon receipt of the report, the person designated to  
126 review the timeliness of reports shall determine the amount of



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127 the fine due based upon the earliest of the following:  
128 a. The date that a report is actually received by the  
129 authority or district.  
130 b. The date that an electronic receipt for the report is  
131 issued.  
132 3. Unless the fine is appealed, it shall be paid within 30  
133 days after the notice of payment due is transmitted by the  
134 authority or district. The authority or district may only use  
135 the moneys collected to administer the provisions of this  
136 section.  
137 4. A fine may not be assessed against a lobbying firm the  
138 first time any reports for which the lobbying firm is  
139 responsible are not timely filed. However, to receive the one-  
140 time fine waiver, all reports for which the lobbying firm is  
141 responsible must be filed within 30 days after the notice that  
142 any reports have not been timely filed is transmitted by the  
143 authority or district. A fine shall be assessed for any  
144 subsequent late-filed reports.  
145 5. A lobbying firm may appeal or dispute a fine, based upon  
146 unusual circumstances surrounding the failure to file on the  
147 designated due date, and may request, and is entitled to, a  
148 hearing before the authority or district, which may waive the  
149 fine in whole or in part for good cause shown. Any such request  
150 shall be made within 30 days after the notice of payment due is  
151 transmitted by the authority or district. In such case, the  
152 lobbying firm shall, within the 30-day period, notify the person  
153 designated to review the timeliness of reports in writing of his  
154 or her intention to bring the matter before the authority or  
155 district.



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156       6. The person designated to review the timeliness of  
157 reports shall notify the authority or district of the failure of  
158 a lobbying firm to file a report after notice or the failure of  
159 a lobbying firm to pay the fine imposed. All lobbyist  
160 registrations for lobbyists who are partners, owners, officers,  
161 or employees of a lobbying firm that fails to timely pay a fine  
162 are automatically suspended until the fine is paid or waived,  
163 and the authority or district shall promptly notify all affected  
164 principals of each suspension and each reinstatement.

165       7. A fine imposed under this subsection which is not waived  
166 by final order of the authority or district and which remains  
167 unpaid more than 60 days after the notice of payment due or more  
168 than 60 days after the authority or district renders a final  
169 order on the lobbying firm's appeal may be recorded as a  
170 judgment in the appropriate circuit court. The authority or  
171 district may take any actions necessary to enforce the judgment.

172       (7) (a) Notwithstanding s. 112.3148, s. 112.3149, or any  
173 other provision of law to the contrary, no lobbyist or principal  
174 shall make, directly or indirectly, and no expressway authority,  
175 independent special district, or port authority official,  
176 member, or employee shall knowingly accept, directly or  
177 indirectly, any expenditure.

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

180       (8) The commission has exclusive jurisdiction of complaints  
181 alleging that a person covered by this section has failed to  
182 register, has failed to submit a compensation report, has made  
183 or received a prohibited expenditure, or has knowingly submitted  
184 false information in any report or registration required under



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185 this section. The complaint proceedings must be conducted  
186 pursuant to s. 112.324. The commission shall investigate any  
187 lobbying firm, lobbyist, principal, agency, officer, or employee  
188 upon receipt of information from a sworn complaint or from a  
189 random audit of lobbying reports indicating a possible violation  
190 other than a late-filed report.

191 (9) Any person who is required to be registered or to  
192 provide information under this section or under procedures  
193 established pursuant to this section and who knowingly fails to  
194 disclose any material fact that is required by this section or  
195 procedures established pursuant to this section, or who  
196 knowingly provides false information on any report required by  
197 this section or by procedures established pursuant to this  
198 section, commits a noncriminal infraction, punishable by a fine  
199 not to exceed \$5,000. Such penalty is in addition to any other  
200 penalty assessed pursuant to subsection (8).

201 (10) If a person is uncertain about the applicability and  
202 interpretation of this section, he or she may submit in writing  
203 the facts of the situation to the commission with a request for  
204 an advisory opinion to establish his or her standard of duty. An  
205 advisory opinion shall be rendered by the commission and, until  
206 amended or revoked, shall be binding on the conduct of the  
207 person who sought the opinion, unless material facts were  
208 omitted or misstated in the request.

209 (11) An expressway authority, independent special district,  
210 or port authority shall be diligent to ascertain whether persons  
211 required to register pursuant to this section have complied. An  
212 authority or district may not knowingly authorize a person who  
213 is not registered pursuant to this section to lobby the



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214 authority or district.

215 (12) Upon discovery of a violation of this section, an  
216 expressway authority, an independent special district, a port  
217 authority, or any person may file a sworn complaint with the  
218 commission.

219 (13) An expressway authority, independent special district,  
220 and port authority shall establish policies and procedures to  
221 administer this section, including the forms for registration  
222 and compensation reports and procedures for registration. All  
223 policies and procedures adopted by an authority or district  
224 shall be posted on the authority's or district's website or be  
225 made available by regular mail or e-mail upon request.

226  
227 ===== T I T L E A M E N D M E N T =====

228 And the title is amended as follows:

229 Delete lines 58 - 74

230 and insert:

231 from lobbying an expressway authority, independent  
232 special district, or port authority until registering;  
233 establishing registration requirements; requiring  
234 public availability of lobbyist registrations;  
235 establishing procedures for termination of a  
236 lobbyist's registration; authorizing an authority or  
237 district to establish a registration fee; establishing  
238 requirements for quarterly compensation reports;  
239 requiring an authority or district to establish  
240 procedures with respect to the receipt of reports;  
241 prohibiting lobbying expenditures; prohibiting  
242 compensation to a firm not registered to lobby;



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243 providing for jurisdiction of complaints; providing a  
244 penalty; authorizing a person to request an advisory  
245 opinion from the commission; authorizing an authority,  
246 district, or person to file a complaint; requiring an  
247 authority or district to establish

By Senator Latvala

20-01239B-14

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1 A bill to be entitled  
 2 An act relating to governmental ethics; amending s.  
 3 28.35, F.S.; specifying the applicability of certain  
 4 provisions of the Code of Ethics for Public Officers  
 5 and Employees to members of the executive council of  
 6 the Florida Clerks of Court Operations Corporation;  
 7 amending s. 112.3142, F.S.; requiring elected  
 8 municipal officers to participate in annual ethics  
 9 training; amending s. 112.3144, F.S.; requiring an  
 10 officer required to participate in annual ethics  
 11 training to certify participation on his or her full  
 12 and public disclosure of financial interests;  
 13 authorizing the Commission on Ethics to initiate an  
 14 investigation and hold a public hearing without  
 15 receipt of a complaint in certain circumstances;  
 16 requiring the commission to enter an order  
 17 recommending removal of an officer or public employee  
 18 from public office or public employment in certain  
 19 circumstances; prohibiting the commission from taking  
 20 action on a complaint alleging certain errors or  
 21 omissions on a disclosure within a specified time  
 22 period; providing that failure to certify completion  
 23 of annual ethics training on a disclosure does not  
 24 constitute an immaterial, inconsequential, or de  
 25 minimis error or omission; amending s. 112.3145, F.S.;  
 26 requiring an officer required to participate in annual  
 27 ethics training to certify participation on his or her  
 28 statement of financial interests; authorizing the  
 29 Commission on Ethics to initiate an investigation and

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30 hold a public hearing without receipt of a complaint  
 31 in certain circumstances; requiring the commission to  
 32 enter an order to remove an officer or public employee  
 33 from public office or public employment in certain  
 34 circumstances; prohibiting the commission from taking  
 35 action on a complaint alleging certain errors or  
 36 omissions on a statement within a specified time  
 37 period; providing that failure to certify completion  
 38 of annual ethics training on a statement does not  
 39 constitute an immaterial, inconsequential, or de  
 40 minimis error or omission; amending s. 112.31455,  
 41 F.S.; authorizing the Chief Financial Officer or  
 42 governing body to withhold the entire amount of a fine  
 43 owed and related administrative costs from salary-  
 44 related payments of certain individuals; authorizing  
 45 the Chief Financial Officer or governing body to  
 46 reduce the amount withheld if an individual can  
 47 demonstrate a hardship; creating s. 112.31456, F.S.;  
 48 authorizing the commission to seek wage garnishment of  
 49 certain individuals to satisfy unpaid fines;  
 50 authorizing the commission to refer unpaid fines to a  
 51 collection agency; establishing a statute of  
 52 limitations with respect to the collection of an  
 53 unpaid fine; creating s. 112.3251, F.S.; requiring  
 54 citizen support and direct-support organizations to  
 55 adopt a code of ethics; establishing minimum  
 56 requirements for a code of ethics; creating s.  
 57 112.3261, F.S.; defining terms; prohibiting a person  
 58 from lobbying an independent special district until

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59 registering; establishing registration requirements;  
 60 requiring public availability of lobbyist  
 61 registrations; establishing procedures for termination  
 62 of a lobbyist's registration; authorizing an  
 63 independent special district to establish a  
 64 registration fee; establishing requirements for  
 65 quarterly compensation reports; requiring an  
 66 independent special district to establish procedures  
 67 with respect to the receipt of reports; prohibiting  
 68 lobbying expenditures; prohibiting compensation to a  
 69 firm not registered to lobby; providing for  
 70 jurisdiction of complaints; providing a penalty;  
 71 authorizing a person to request an advisory opinion  
 72 from the commission; authorizing an independent  
 73 special district or person to file a complaint;  
 74 requiring an independent special district to establish  
 75 certain policies and procedures; amending s. 288.901,  
 76 F.S.; specifying the applicability of certain  
 77 provisions of the Code of Ethics for Public Officers  
 78 and Employees to members of the Enterprise Florida,  
 79 Inc., board of directors; amending s. 288.92, F.S.;  
 80 specifying the applicability of certain provisions of  
 81 the Code of Ethics for Public Officers and Employees  
 82 to division officers of Enterprise Florida, Inc.;  
 83 amending s. 288.9604, F.S.; specifying the  
 84 applicability of certain provisions of the Code of  
 85 Ethics for Public Officers and Employees to the board  
 86 of directors of the Florida Development Finance  
 87 Corporation; amending s. 331.3081, F.S.; specifying

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88 the applicability of certain provisions of the Code of  
 89 Ethics for Public Officers and Employees to the board  
 90 of directors of Space Florida; amending s. 627.351,  
 91 F.S.; specifying the applicability of certain  
 92 provisions of the Code of Ethics for Public Officers  
 93 and Employees to senior managers and members of the  
 94 board of governors of Citizens Property Insurance  
 95 Corporation; prohibiting a former member of the board  
 96 of governors from representing another person or  
 97 entity before the corporation for a specified  
 98 timeframe; providing an effective date.

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

101  
 102 Section 1. Paragraph (b) of subsection (1) of section  
 103 28.35, Florida Statutes, is amended to read:

104 28.35 Florida Clerks of Court Operations Corporation.—  
 105 (1)

106 (b)1. The executive council shall be composed of eight  
 107 clerks of the court elected by the clerks of the courts for a  
 108 term of 2 years, with two clerks from counties with a population  
 109 of fewer than 100,000, two clerks from counties with a  
 110 population of at least 100,000 but fewer than 500,000, two  
 111 clerks from counties with a population of at least 500,000 but  
 112 fewer than 1 million, and two clerks from counties with a  
 113 population of ~~more than~~ 1 million or more. The executive council  
 114 shall also include, as ex officio members, a designee of the  
 115 President of the Senate and a designee of the Speaker of the  
 116 House of Representatives. The Chief Justice of the Supreme Court

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117 shall designate one additional member to represent the state  
118 courts system.

119 2. The Legislature determines that it is in the public  
120 interest for the members of the executive council of the  
121 corporation to be subject to the requirements of s. 112.313,  
122 including s. 112.313(9); s. 112.3135; and s. 112.3143(2),  
123 notwithstanding the fact that the council members are not public  
124 officers or employees. For purposes of these sections, the  
125 council members shall be considered to be public officers or  
126 employees.

127 Section 2. Section 112.3142, Florida Statutes, is amended  
128 to read:

129 112.3142 Ethics training for specified constitutional  
130 officers and elected municipal officers.-

131 (1) As used in this section, the term "constitutional  
132 officers" includes the Governor, the Lieutenant Governor, the  
133 Attorney General, the Chief Financial Officer, the Commissioner  
134 of Agriculture, state attorneys, public defenders, sheriffs, tax  
135 collectors, property appraisers, supervisors of elections,  
136 clerks of the circuit court, county commissioners, district  
137 school board members, and superintendents of schools.

138 (2) (a) All constitutional officers and elected municipal  
139 officers must complete 4 hours of ethics training each calendar  
140 year which ~~annually~~ that addresses, at a minimum, s. 8, Art. II  
141 of the State Constitution, the Code of Ethics for Public  
142 Officers and Employees, and the public records and public  
143 meetings laws of this state. This requirement may be satisfied  
144 by completion of a continuing legal education class or other  
145 continuing professional education class, seminar, or

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146 presentation if the required subjects are covered.

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

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

153 Section 3. Subsection (1), paragraph (g) of subsection (5),  
154 and paragraphs (a) and (c) of present subsection (7) of section  
155 112.3144, Florida Statutes, are amended, present subsections (6)  
156 through (9) of that section are redesignated as subsections (7)  
157 through (10), respectively, and a new subsection (6) is added to  
158 that section, to read:

159 112.3144 Full and public disclosure of financial  
160 interests.-

161 (1) An officer who is required by s. 8, Art. II of the  
162 State Constitution to file a full and public disclosure of his  
163 or her financial interests for any calendar or fiscal year shall  
164 file that disclosure with the Florida Commission on Ethics.  
165 Additionally, an officer who is required to complete annual  
166 ethics training pursuant to s. 112.3142 must certify on his or  
167 her full and public disclosure of financial interests that he or  
168 she has completed the required training.

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

174 (g) The notification requirements and fines of this

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175 subsection do not apply to candidates or to the first filing  
 176 required of any person appointed to elective constitutional  
 177 office or other position required to file full and public  
 178 disclosure, unless the person's name is on the commission's  
 179 notification list and the person received notification from the  
 180 commission. The appointing official shall notify such newly  
 181 appointed person of the obligation to file full and public  
 182 disclosure by July 1. The notification requirements and fines of  
 183 this subsection do not apply to the final filing provided for in  
 184 subsection ~~(7)(6)~~.

185 (6) If a person holding public office or public employment  
 186 fails or refuses to file a full and public disclosure of  
 187 financial interests for any year in which the person received  
 188 notice from the commission regarding the failure to file and has  
 189 accrued the maximum automatic fine authorized under this  
 190 section, regardless of whether the fine imposed was paid or  
 191 collected, the commission may initiate an investigation and  
 192 conduct a public hearing without receipt of a complaint to  
 193 determine whether the person's failure to file is willful. If  
 194 the commission determines that the person willfully failed to  
 195 file a full and public disclosure of financial interests, the  
 196 commission shall enter an order recommending that the officer or  
 197 employee be removed from his or her public office or public  
 198 employment.

199 ~~(8)(7)~~(a) The commission shall treat an amended full and  
 200 public disclosure of financial interests ~~which that~~ is filed  
 201 before prior to September 1 of the ~~current~~ year in which the  
 202 disclosure is due as the original filing, regardless of whether  
 203 a complaint has been filed. ~~If a complaint pertaining to the~~

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204 ~~current year alleges a failure to properly and accurately~~  
 205 ~~disclose any information required by this section or if a~~  
 206 ~~complaint filed pertaining to a previous reporting period within~~  
 207 ~~the preceding 5 years alleges a failure to properly and~~  
 208 ~~accurately disclose any information required to be disclosed by~~  
 209 ~~this section, the commission may immediately follow complaint~~  
 210 ~~procedures in s. 112.324. However, If a complaint filed after~~  
 211 August 25 of the year in which the disclosure is due is based  
 212 upon an error or omission in the annual disclosure and if the  
 213 complaint alleges only an immaterial, inconsequential, or de  
 214 minimis error or omission, the commission may not take any  
 215 action on the complaint, other than notifying the filer of the  
 216 complaint. The filer must be given 30 days to file an amended  
 217 full and public disclosure of financial interests correcting any  
 218 errors. If the filer does not file an amended full and public  
 219 disclosure of financial interests within 30 days after the  
 220 commission sends notice of the complaint, the commission may  
 221 continue with proceedings pursuant to s. 112.324.

222 (c) For purposes of this section, an error or omission is  
 223 immaterial, inconsequential, or de minimis if the original  
 224 filing provided sufficient information for the public to  
 225 identify potential conflicts of interest. ~~However, failure to~~  
 226 certify completion of annual ethics training required under s.  
 227 112.3142 does not constitute an immaterial, inconsequential, or  
 228 de minimis error or omission.

229 Section 4. Present subsections (4) through (11) of section  
 230 112.3145, Florida Statutes, are redesignated as subsections (5)  
 231 through (12), respectively, a new subsection (4) is added to  
 232 that section, paragraph (c) is added to present subsection (7)

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233 of that section, and paragraphs (a) and (c) of present  
234 subsection (9) of that section are amended, to read:

235 112.3145 Disclosure of financial interests and clients  
236 represented before agencies.—

237 (4) An officer who is required to complete annual ethics  
238 training pursuant to s. 112.3142 must certify on his or her  
239 statement of financial interests that he or she has completed  
240 the required training.

241 ~~(8)-(7)-~~

242 (c) If a person holding public office or public employment  
243 fails or refuses to file an annual statement of financial  
244 interests for any year in which the person received notice from  
245 the commission regarding the failure to file and has accrued the  
246 maximum automatic fine authorized under this section, regardless  
247 of whether the fine imposed was paid or collected, the  
248 commission may initiate an investigation and conduct a public  
249 hearing without receipt of a complaint to determine whether the  
250 person's failure to file is willful. If the commission  
251 determines that the person willfully failed to file a statement  
252 of financial interests, the commission shall enter an order  
253 recommending that the officer or employee be removed from his or  
254 her public office or public employment.

255 ~~(10)-(9)~~ (a) The commission shall treat an amended annual  
256 statement of financial interests which that is filed before  
257 prior to September 1 of the current year in which the statement  
258 is due as the original filing, regardless of whether a complaint  
259 has been filed. If a complaint pertaining to the current year  
260 alleges a failure to properly and accurately disclose any  
261 information required by this section or if a complaint filed

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262 ~~pertaining to a previous reporting period within the preceding 5~~  
263 ~~years alleges a failure to properly and accurately disclose any~~  
264 ~~information required to be disclosed by this section, the~~  
265 ~~commission may immediately follow complaint procedures in s.~~  
266 ~~112.324. However,~~ If a complaint filed after August 25 of the  
267 year in which the statement is due is based upon an error or  
268 omission in the annual statement and if the complaint alleges  
269 only an immaterial, inconsequential, or de minimis error or  
270 omission, the commission may not take any action on the  
271 complaint, other than notifying the filer of the complaint. The  
272 filer must be given 30 days to file an amended statement of  
273 financial interests correcting any errors. If the filer does not  
274 file an amended statement of financial interests within 30 days  
275 after the commission sends notice of the complaint, the  
276 commission may continue with proceedings pursuant to s. 112.324.

277 (c) For purposes of this section, an error or omission is  
278 immaterial, inconsequential, or de minimis if the original  
279 filing provided sufficient information for the public to  
280 identify potential conflicts of interest. ~~However, failure to~~  
281 certify completion of annual ethics training required under s.  
282 112.3142 does not constitute an immaterial, inconsequential, or  
283 de minimis error or omission.

284 Section 5. Section 112.31455, Florida Statutes, is amended  
285 to read:

286 112.31455 Withholding of public salary-related payments  
287 ~~Collection methods~~ for unpaid automatic fines for failure to  
288 timely file disclosure of financial interests.—

289 (1) Before referring any unpaid fine accrued pursuant to s.  
290 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department

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

298 (a) After receipt and verification of the notice from the  
 299 commission, the Chief Financial Officer or the governing body of  
 300 the county, municipality, or special district shall withhold the  
 301 entire amount of any fine owed, and any administrative costs  
 302 incurred, from the individual's next salary-related payment. If  
 303 the fine exceeds the amount of the next salary-related payment,  
 304 all salary-related payments must be withheld until the fine and  
 305 administrative costs are paid in full begin withholding the  
 306 lesser of 10 percent or the maximum amount allowed under federal  
 307 law from any salary-related payment. The withheld payments shall  
 308 be remitted to the commission until the fine is satisfied.

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

313 (c) If a current public officer or current public employee  
 314 demonstrates to the Chief Financial Officer or the governing  
 315 body responsible for paying him or her that the public salary is  
 316 his or her primary source of income and that withholding the  
 317 full amount of any fine owed from a salary-related payment would  
 318 present an undue hardship, the amount withheld from a public  
 319 salary may be reduced to not less than 10 percent of the salary-

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 320 related payment.

321 ~~(2) If the commission determines that the individual who is~~  
 322 ~~the subject of an unpaid fine accrued pursuant to s. 112.3144(5)~~  
 323 ~~or s. 112.3145(6) is no longer a public officer or public~~  
 324 ~~employee or if the commission is unable to determine whether the~~  
 325 ~~individual is a current public officer or public employee, the~~  
 326 ~~commission may, 6 months after the order becomes final, seek~~  
 327 ~~garnishment of any wages to satisfy the amount of the fine, or~~  
 328 ~~any unpaid portion thereof, pursuant to chapter 77. Upon~~  
 329 ~~recording the order imposing the fine with the clerk of the~~  
 330 ~~circuit court, the order shall be deemed a judgment for purposes~~  
 331 ~~of garnishment pursuant to chapter 77.~~

332 (2)(3) The commission may refer unpaid fines to the  
 333 appropriate collection agency, as directed by the Chief  
 334 Financial Officer, to utilize any collection methods provided by  
 335 law. Except as expressly limited by this section, any other  
 336 collection methods authorized by law are allowed.

337 (3)(4) Action may be taken to collect any unpaid fine  
 338 imposed by ss. 112.3144 and 112.3145 within 20 years after the  
 339 date the final order is rendered.

340 Section 6. Section 112.31456, Florida Statutes, is created  
 341 to read:

342 112.31456 Garnishment of wages for unpaid automatic fines  
 343 for failure to timely file disclosure of financial interests.—

344 (1) Before referring any unpaid fine accrued pursuant to s.  
 345 112.3144(5) or s. 112.3145(7) to the Department of Financial  
 346 Services, the commission shall attempt to determine whether the  
 347 individual owing such fine is a current public officer or  
 348 current public employee. If the commission determines that an

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 349 individual who is the subject of an unpaid fine accrued pursuant  
 350 to s. 112.3144(5) or s. 112.3145(7) is no longer a public  
 351 officer or public employee or the commission is unable to  
 352 determine whether the individual is a current public officer or  
 353 public employee, the commission may, 6 months after the order  
 354 becomes final, seek garnishment of any wages to satisfy the  
 355 amount of the fine, or any unpaid portion thereof, pursuant to  
 356 chapter 77. Upon recording the order imposing the fine with the  
 357 clerk of the circuit court, the order shall be deemed a judgment  
 358 for purposes of garnishment pursuant to chapter 77.

(2) The commission may refer unpaid fines to the  
 359 appropriate collection agency, as directed by the Chief  
 360 Financial Officer, to use any collection methods provided by  
 361 law. Except as expressly limited by this section, any other  
 362 collection methods authorized by law are allowed.

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

Section 7. Section 112.3251, Florida Statutes, is created  
 367 to read:

112.3251 Citizen support and direct-support organizations;  
 369 standards of conduct.—A citizen support or direct-support  
 370 organization created or authorized pursuant to law must adopt  
 371 its own ethics code. The ethics code must contain the standards  
 372 of conduct and disclosures required under ss. 112.313 and  
 373 112.3143(2), respectively. However, an ethics code adopted  
 374 pursuant to this section is not required to contain the  
 375 standards of conduct specified in s. 112.313(3) or (7). The  
 376 citizen support or direct-support organization may adopt  
 377

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 378 additional or more stringent standards of conduct and disclosure  
 379 requirements, provided that those standards of conduct and  
 380 disclosure requirements do not otherwise conflict with this  
 381 part. The ethics code must be conspicuously posted on the  
 382 website of the citizen support or direct-support organization.

Section 8. Section 112.3261, Florida Statutes, is created  
 384 to read:

112.3261 Lobbying before independent special districts;  
 386 registration and reporting.—

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

(a) "Compensation" has the same meaning as in s. 112.3215.

(b) "Expenditure" has the same meaning as in s. 112.3215.

(c) "Independent special district" means a water management  
 391 district, hospital district, children's services district, or  
 392 any independent special district, as defined in s. 189.403, that  
 393 exercises ad valorem taxing authority.

(d) "Lobbies" means seeking, on behalf of another person,  
 395 to influence an independent special district with respect to a  
 396 decision of the district in an area of policy or procurement or  
 397 an attempt to obtain the goodwill of a district official or  
 398 employee.

(e) "Lobbying firm" has the same meaning as in s. 112.3215.

(f) "Lobbyist" has the same meaning as in s. 112.3215.

(g) "Principal" has the same meaning as in s. 112.3215.

(2) A person may not lobby an independent special district  
 403 until such person has registered as a lobbyist with that  
 404 district. Such registration shall be due upon initially being  
 405 retained to lobby and is renewable on a calendar-year basis  
 406 thereafter. Upon registration, the person shall provide a

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407 statement signed by the principal or principal's representative  
 408 stating that the registrant is authorized to represent the  
 409 principal. The principal shall also identify and designate its  
 410 main business on the statement authorizing that lobbyist  
 411 pursuant to a classification system approved by the district.  
 412 The registration form shall require each lobbyist to disclose,  
 413 under oath, the following:

414 (a) The lobbyist's name and business address.  
 415 (b) The name and business address of each principal  
 416 represented.  
 417 (c) The lobbyist's area of interest.  
 418 (d) The existence of any direct or indirect business  
 419 association, partnership, or financial relationship with any  
 420 employee of an independent special district with which he or she  
 421 lobbies, or intends to lobby.

422 (3) An independent special district shall make lobbyist  
 423 registrations available to the public. If an independent special  
 424 district maintains a website, a database of current registered  
 425 lobbyists and principals must be available on the district's  
 426 website.

427 (4) A lobbyist shall promptly send a written statement to  
 428 the independent special district cancelling the registration for  
 429 a principal upon termination of the lobbyist's representation of  
 430 that principal. An independent special district may remove the  
 431 name of a lobbyist from the list of registered lobbyists if the  
 432 principal notifies the district that a person is no longer  
 433 authorized to represent that principal.

434 (5) An independent special district may establish an annual  
 435 lobbyist registration fee, not to exceed \$40 for each principal

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436 represented.

437 (6) (a) 1. Each lobbying firm shall file a compensation  
 438 report with the independent special district for each calendar  
 439 quarter during any portion of which one or more of the firm's  
 440 lobbyists were registered to represent a principal. The  
 441 compensation report shall include the following:

442 a. Full name, business address, and telephone number of the  
 443 lobbying firm;  
 444 b. Name of each of the firm's lobbyists; and  
 445 c. Total compensation provided or owed to the lobbying firm  
 446 from all principals for the reporting period, reported in one of  
 447 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;  
 448 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
 449 \$999,999; \$1 million or more.

450 2. For each principal represented by one or more of the  
 451 firm's lobbyists, the lobbying firm's compensation report shall  
 452 also include the following:

453 a. Full name, business address, and telephone number of the  
 454 principal; and  
 455 b. Total compensation provided or owed to the lobbying firm  
 456 for the reporting period, reported in one of the following  
 457 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
 458 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
 459 more. If the category "\$50,000 or more" is selected, the  
 460 specific dollar amount of compensation must be reported, rounded  
 461 up or down to the nearest \$1,000.

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

464 a. The lobbying firm providing the work to be subcontracted

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465 shall be treated as the reporting lobbying firm's principal for  
 466 reporting purposes under this paragraph; and

467 b. The reporting lobbying firm shall, for each lobbying  
 468 firm identified under subparagraph (a)2., identify the name and  
 469 address of the principal originating the lobbying work.

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

473 (b) For each principal represented by more than one  
 474 lobbying firm, the district shall aggregate the quarterly  
 475 reporting period and calendar year compensation reported as  
 476 provided or owed by the principal.

477 (c) The reporting statements shall be filed no later than  
 478 45 days after the end of each reporting period. The four  
 479 reporting periods are from January 1 through March 31, April 1  
 480 through June 30, July 1 through September 30, and October 1  
 481 through December 31, respectively. Reporting statements may be  
 482 filed by electronic means established by the independent special  
 483 district.

484 (d) The independent special district shall establish  
 485 procedures with respect to notifying a lobbying firm that fails  
 486 to timely file a report and is assessed a fine, the grounds for  
 487 waiving a fine, and the appeal of an assessed fine. The  
 488 procedures shall address the following:

489 1. Upon determining that the report is late, the person  
 490 designated to review the timeliness of reports shall immediately  
 491 notify the lobbying firm of its failure to timely file the  
 492 report and that a fine is being assessed for each late day. The  
 493 fine shall be \$50 per day per report for each late day, up to a

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494 maximum fine of \$5,000 per late report.

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

498 a. The date that a report is actually received by the  
 499 independent special district.

500 b. The date that an electronic receipt for the report is  
 501 issued.

502 3. Unless the fine is appealed, it shall be paid within 30  
 503 days after the notice of payment due is transmitted by the  
 504 independent special district.

505 4. A fine may not be assessed against a lobbying firm the  
 506 first time any reports for which the lobbying firm is  
 507 responsible are not timely filed. However, to receive the one-  
 508 time fine waiver, all reports for which the lobbying firm is  
 509 responsible must be filed within 30 days after the notice that  
 510 any reports have not been timely filed is transmitted by the  
 511 independent special district. A fine shall be assessed for any  
 512 subsequent late-filed reports.

513 5. A lobbying firm may appeal or dispute a fine, based upon  
 514 unusual circumstances surrounding the failure to file on the  
 515 designated due date, and may request, and is entitled to, a  
 516 hearing before the independent special district, which may waive  
 517 the fine in whole or in part for good cause shown. Any such  
 518 request shall be made within 30 days after the notice of payment  
 519 due is transmitted by the independent special district. In such  
 520 case, the lobbying firm shall, within the 30-day period, notify  
 521 the person designated to review the timeliness of reports in  
 522 writing of his or her intention to bring the matter before the

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523 independent special district.

524 6. The person designated to review the timeliness of  
 525 reports shall notify the independent special district of the  
 526 failure of a lobbying firm to file a report after notice or the  
 527 failure of a lobbying firm to pay the fine imposed. All lobbyist  
 528 registrations for lobbyists who are partners, owners, officers,  
 529 or employees of a lobbying firm that fails to timely pay a fine  
 530 are automatically suspended until the fine is paid or waived,  
 531 and the independent special district shall promptly notify all  
 532 affected principals of each suspension and each registration.

533 7. A fine imposed under this subsection which is not waived  
 534 by final order of the independent special district and which  
 535 remains unpaid more than 60 days after the notice of payment due  
 536 or more than 60 days after the independent special district  
 537 renders a final order on the lobbying firm's appeal may be  
 538 recorded as a judgment in the appropriate circuit court. The  
 539 independent special district may take any actions necessary to  
 540 enforce the judgment.

541 (7) (a) Notwithstanding s. 112.3148, s. 112.3149, or any  
 542 other provision of law to the contrary, no lobbyist or principal  
 543 shall make, directly or indirectly, and no independent special  
 544 district official, member, or employee shall knowingly accept,  
 545 directly or indirectly, any expenditure.

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

548 (8) The commission has exclusive jurisdiction of complaints  
 549 alleging that a person covered by this section has failed to  
 550 register, has failed to submit a compensation report, has made  
 551 or received a prohibited expenditure, or has knowingly submitted

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552 false information in any report or registration required under  
 553 this section. The complaint proceedings must be conducted  
 554 pursuant to s. 112.324. The commission shall investigate any  
 555 lobbying firm, lobbyist, principal, agency, officer, or employee  
 556 upon receipt of information from a sworn complaint or from a  
 557 random audit of lobbying reports indicating a possible violation  
 558 other than a late-filed report.

559 (9) Any person who is required to be registered or to  
 560 provide information under this section or under procedures  
 561 established pursuant to this section and who knowingly fails to  
 562 disclose any material fact that is required by this section or  
 563 procedures established pursuant to this section, or who  
 564 knowingly provides false information on any report required by  
 565 this section or by procedures established pursuant to this  
 566 section, commits a noncriminal infraction, punishable by a fine  
 567 not to exceed \$5,000. Such penalty is in addition to any other  
 568 penalty assessed pursuant to subsection (8).

569 (10) If a person is uncertain about the applicability and  
 570 interpretation of this section, he or she may submit in writing  
 571 the facts of the situation to the commission with a request for  
 572 an advisory opinion to establish his or her standard of duty. An  
 573 advisory opinion shall be rendered by the commission and, until  
 574 amended or revoked, shall be binding on the conduct of the  
 575 person who sought the opinion, unless material facts were  
 576 omitted or misstated in the request.

577 (11) An independent special district shall be diligent to  
 578 ascertain whether persons required to register pursuant to this  
 579 section have complied. An independent special district may not  
 580 knowingly authorize a person who is not registered pursuant to

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581 this section to lobby the district.

582 (12) Upon discovery of a violation of this section, an  
 583 independent special district or any person may file a sworn  
 584 complaint with the commission.

585 (13) An independent special district shall establish  
 586 policies and procedures to administer this section, including  
 587 the forms for registration and compensation reports and  
 588 procedures for registration. All policies and procedures adopted  
 589 by an independent special district shall be posted on the  
 590 district's website or available by regular mail or e-mail upon  
 591 request.

592 Section 9. Paragraph (c) of subsection (1) of section  
 593 288.901, Florida Statutes, is amended to read:

594 288.901 Enterprise Florida, Inc.—

595 (1) CREATION.—

596 (c) The Legislature determines that it is in the public  
 597 interest that for the members of the Enterprise Florida, Inc.,  
 598 board of directors ~~to~~ be subject to the requirements of s.  
 599 112.313, including s. 112.313(9); s. 112.3135; ~~ss.112.3135,~~ and  
 600 s. 112.3143(2), and 112.313, excluding s. 112.313(2),  
 601 notwithstanding the fact that the board members are not public  
 602 officers or employees. For purposes of those sections, the board  
 603 members shall be considered to be public officers or employees.  
 604 The exemption set forth in s. 112.313(12) for advisory boards  
 605 applies to the members of the Enterprise Florida, Inc., board of  
 606 directors. Further, each member of the board of directors who is  
 607 not otherwise required to file financial disclosures pursuant to  
 608 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
 609 file disclosure of financial interests pursuant to s. 112.3145.

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610 Section 10. Present paragraph (b) of subsection (2) of  
 611 section 288.92, Florida Statutes, is redesignated as paragraph  
 612 (c), and a new paragraph (b) is added to that subsection, to  
 613 read:

614 288.92 Divisions of Enterprise Florida, Inc.—

615 (2)

616 (b) The Legislature determines that it is in the public  
 617 interest that the officers and agents of the divisions of  
 618 Enterprise Florida, Inc., including any corporations created to  
 619 carry out its missions, be subject to s. 112.313, including s.  
 620 112.313(9); s. 112.3135; and s. 112.3143(2), notwithstanding the  
 621 fact that the division officers and agents are not public  
 622 officers or employees.

623 Section 11. Paragraph (a) of subsection (3) of section  
 624 288.9604, Florida Statutes, is amended to read:

625 288.9604 Creation of the authority.—

626 (3) (a) 1. A director may not shall receive ~~no~~ compensation  
 627 for his or her services, but is entitled to ~~the~~ necessary  
 628 expenses, including travel expenses, incurred in the discharge  
 629 of his or her duties. Each director shall hold office until his  
 630 or her successor has been appointed.

631 2. The Legislature determines that it is in the public  
 632 interest that a director of the board of directors of the  
 633 Florida Development Finance Corporation be subject to s.  
 634 112.313, including s. 112.313(9); s. 112.3135; and s.  
 635 112.3143(2), notwithstanding the fact that the directors are not  
 636 public officers or employees. For purposes of these sections,  
 637 the directors shall be considered to be public officers or  
 638 employees.

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639 Section 12. Section 331.3081, Florida Statutes, is amended  
640 to read:

641 331.3081 Board of directors.—

642 (1) Space Florida shall be governed by a 13-member  
643 independent board of directors that consists of the members  
644 appointed to the board of directors of Enterprise Florida, Inc.,  
645 by the Governor, the President of the Senate, and the Speaker of  
646 the House of Representatives pursuant to s. 288.901(5)(a)7. and  
647 the Governor, who shall serve ex officio, or who may appoint a  
648 designee to serve, as the chair and a voting member of the  
649 board.

650 (2) The Legislature determines that it is in the public  
651 interest that members of Space Florida's board of directors be  
652 subject to s. 112.313, including s. 112.313(9); s. 112.3135; and  
653 s. 112.3143(2), notwithstanding the fact that the board members  
654 are not public officers or employees. For purposes of these  
655 sections, the board members shall be considered to be public  
656 officers or employees.

657 Section 13. Paragraph (d) of subsection (6) of section  
658 627.351, Florida Statutes, is amended to read:

659 627.351 Insurance risk apportionment plans.—

660 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

661 (d)1. All prospective employees for senior management  
662 positions, as defined by the plan of operation, are subject to  
663 background checks as a prerequisite for employment. The office  
664 shall conduct the background checks pursuant to ss. 624.34,  
665 624.404(3), and 628.261.

666 2. On or before July 1 of each year, employees of the  
667 corporation must sign and submit a statement attesting that they

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668 do not have a conflict of interest, as defined in part III of  
669 chapter 112. As a condition of employment, all prospective  
670 employees must sign and submit to the corporation a conflict-of-  
671 interest statement.

672 3. Senior managers and members of the board of governors  
673 are subject to part III of chapter 112, including, but not  
674 limited to, the code of ethics and public disclosure and  
675 reporting of financial interests, pursuant to s. 112.3145. For  
676 purposes of part III of chapter 112, the senior managers and  
677 members of the board of governors shall be considered to be  
678 public officers or employees. Notwithstanding s. 112.3143(2), a  
679 board member may not vote on any measure that would inure to his  
680 or her special private gain or loss; that he or she knows would  
681 inure to the special private gain or loss of any principal by  
682 whom he or she is retained or to the parent organization or  
683 subsidiary of a corporate principal by which he or she is  
684 retained, other than an agency as defined in s. 112.312; or that  
685 he or she knows would inure to the special private gain or loss  
686 of a relative or business associate of the public officer.  
687 Before the vote is taken, such member shall publicly state to  
688 the assembly the nature of his or her interest in the matter  
689 from which he or she is abstaining from voting and, within 15  
690 days after the vote occurs, disclose the nature of his or her  
691 interest as a public record in a memorandum filed with the  
692 person responsible for recording the minutes of the meeting, who  
693 shall incorporate the memorandum in the minutes. Senior managers  
694 and board members are also required to file such disclosures  
695 with the Commission on Ethics and the Office of Insurance  
696 Regulation. The executive director of the corporation or his or

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697 her designee shall notify each existing and newly appointed  
698 member of the board of governors and senior managers of their  
699 duty to comply with the reporting requirements of part III of  
700 chapter 112. At least quarterly, the executive director or his  
701 or her designee shall submit to the Commission on Ethics a list  
702 of names of the senior managers and members of the board of  
703 governors who are subject to the public disclosure requirements  
704 under s. 112.3145.

705 4. A former member of the board of governors is prohibited  
706 from representing another person or entity before the  
707 corporation for 2 years after termination of service on the  
708 board of governors. A former member of the board of governors is  
709 also prohibited from entering into employment or a contractual  
710 relationship with an insurer that entered into a take-out bonus  
711 agreement with the corporation while the former member served on  
712 the board of governors for a period of 2 years after the former  
713 member's termination of service on the board of governors.

714 ~~5.4-~~ Notwithstanding s. 112.3148, ~~or~~ s. 112.3149, or any  
715 other provision of law, an employee or board member may not  
716 knowingly accept, directly or indirectly, any gift or  
717 expenditure from a person or entity, or an employee or  
718 representative of such person or entity, which has a contractual  
719 relationship with the corporation or who is under consideration  
720 for a contract. An employee or board member who fails to comply  
721 with subparagraph 3. or this subparagraph is subject to  
722 penalties provided under ss. 112.317 and 112.3173.

723 ~~6.5-~~ Any senior manager of the corporation who is employed  
724 on or after January 1, 2007, regardless of the date of hire, who  
725 subsequently retires or terminates employment is prohibited from

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726 representing another person or entity before the corporation for  
727 2 years after retirement or termination of employment from the  
728 corporation.

729 ~~7.6-~~ Any senior manager of the corporation who is employed  
730 on or after January 1, 2007, regardless of the date of hire, who  
731 subsequently retires or terminates employment is prohibited from  
732 having any employment or contractual relationship for 2 years  
733 with an insurer that has entered into a take-out bonus agreement  
734 with the corporation.

735 Section 14. This act shall take effect July 1, 2014.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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



2/17/14

Meeting Date

Topic Governmental Ethics

Bill Number 846

(if applicable)

Name Chris Lyon

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Attorney

Address 315 S. Calhoun St., Ste. 315

Phone 850/222-5702

<sup>Street</sup>  
Tallahassee  
City

FL  
State

32309  
Zip

E-mail clyon@lw-law.com

Speaking:  For  Against  Information

Representing Florida Association of Special Districts

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)

2/17/14

Meeting Date

Topic Ethics

Bill Number 846  
*(if applicable)*

Name Victoria Doss

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Dir., Fla. Council on Ethics

Address 325 John Knox Rd  
*Street*

Phone 488-7864

Tallah, FL 32308  
*City State Zip*

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

Speaking:  For  Against  Information

Representing Fla. Council 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.**

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)

2/17/14

Meeting Date

Topic

Ethics

Bill Number

846

Name

Wesley Hurley

\*Amendment Barcode

586946  
(if applicable)

Job Title

Address

100 S. Monroe St.

Phone

850.922.4300

Street

Tallahassee, FL 32301

City

State

Zip

E-mail

hurley@flcounties.com

Speaking:

For

Against

Information

Representing

FL Assoc. of Counties

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)

2/12/14

Meeting Date

Topic \_\_\_\_\_

Bill Number 846  
*(if applicable)*

Name Michael Preston

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title V.P. Gov't Relations, Enterprise Florida

Address 325 John Knox Rd

Phone 850-298-6630

Street

Tallahassee

City

FL

State

32303

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Enterprise 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)

2/17/14

Meeting Date

Topic \_\_\_\_\_

Bill Number 846  
*(if applicable)*

Name Sharon Spratt

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Sr. Dir. of Gov. Relations

Address \_\_\_\_\_  
*Street*

Phone 850-591-1996

*City*

*State*

*Zip*

E-mail sspratt@spaceflorida.gov

Speaking:  For  Against  Information

Representing Space 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)



**SENATOR JOHN THRASHER**  
6th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Rules, *Chair*  
Appropriations  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on Health  
and Human Services  
Community Affairs  
Ethics and Elections  
Gaming  
Judiciary  
Regulated Industries

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

February 11, 2014

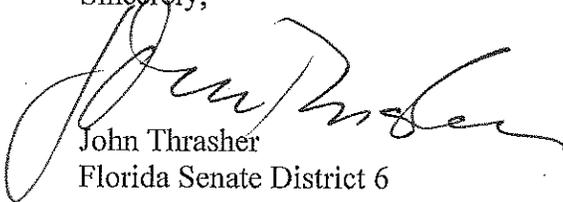
Senator Jack Latvala, Chair  
408 Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399

Dear Chair Latvala:

I am unable to attend the Senate Ethics and Elections interim committee meeting scheduled for Monday, February 17, 2014 due to a prior commitment in my district.

Please accept this letter as my formal request to be excused from the meeting.

Sincerely,



John Thrasher  
Florida Senate District 6

cc: Dawn Roberts, Staff Director

**RECEIVED**

FEB 11 2014

COMMITTEE ON  
ETHICS AND ELECTIONS

**REPLY TO:**

- 113 Nature Walk Parkway, Suite 106, St. Augustine, Florida 32092 (904) 287-4222 FAX: 1-888-263-3475
- 400 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: KN 412

Caption: Senate Ethics and Elections

Case:

Judge:

Type:

Started: 2/17/2014 4:01:39 PM

Ends: 2/17/2014 4:37:49 PM

Length: 00:36:11

4:01:42 PM Roll Call  
4:02:11 PM Chair Latvala opens meeting that SB 606 by Sen. Clemens will be Temporarily Postponed  
4:02:29 PM Tab 1- SB 192 re Legislative Lobbying Expenditures by Sen. Braynon  
4:02:41 PM Sen. Braynon explains bill  
4:03:13 PM Chair Latvala asks for questions  
4:03:50 PM Favorable Roll Call on SB 192  
4:04:17 PM Sen. Braynon makes comment  
4:04:33 PM Tab 3 - SB 846 re Governmental Ethics by Sen. Latvala (Sen. Sobel takes Chair)  
4:04:58 PM Sen. Latvala explains the bill  
4:09:22 PM AM Barcode 586946  
4:09:52 PM Sen. Latvala explains AM 586946  
4:10:00 PM Sen. Sobel asks for questions  
4:10:09 PM Sen. Latvala closes on AM 586946  
4:10:36 PM AM 586946 is adopted  
4:10:39 PM AM Barcode 115202  
4:10:46 PM Sen. Latvala explains AM 115202  
4:11:15 PM Sen. Sobel asks for questions/debate  
4:11:19 PM Sen. Latvala closes on AM 115202  
4:11:27 PM AM 115202 is adopted  
4:11:28 PM AM Barcode 284468 is explained by Sen. Latvala  
4:11:52 PM Sen. Sobel asks for questions/debate  
4:11:56 PM Sen. Latvala closes  
4:12:02 PM AM Barcode 284468 is adopted  
4:12:08 PM Sen. Sobel asks for questions about bill  
4:12:14 PM Sen. Joyner asks question about annual statements of financial interests  
4:12:57 PM Sen. Latvala responds  
4:14:13 PM Sen. Sobel asks for other questions from members/debate  
4:14:48 PM Testimony by Chris Lyon, Florida Association of Special Districts  
4:15:33 PM Sen. Sobel asks for questions  
4:15:38 PM Sen. Diaz de la Portilla asks question  
4:15:53 PM Mr. Lyon responds  
4:16:55 PM Sen. Latvala makes comment about AM to bill  
4:18:53 PM Sen. Sobel asks question about application reform  
4:19:07 PM Sen. Latvala responds  
4:19:12 PM Sen. Sobel asks question  
4:19:39 PM Mr. Lyon responds with regard to requirements  
4:20:19 PM Sen. Diaz de la Portilla asks question  
4:20:55 PM Sen. Latvala responds  
4:22:06 PM Sen. Diaz de la Portilla asks follow-up question  
4:22:51 PM Sen. Latvala responds  
4:23:09 PM Sen. Diaz de la Portilla asks follow-up question  
4:23:35 PM Sen. Lee asks question  
4:25:11 PM Sen. Gardiner makes comment  
4:25:58 PM Sen. Sobel makes comment about caution  
4:26:13 PM Mr. Lyon responds with regard to whom the bill applies to  
4:26:31 PM Sen. Sobel makes comment  
4:27:11 PM Sen. Lee asks question to Ms. Virilindia Doss, Exec. Dir., FL Commission on Ethics  
4:27:55 PM Ms. Doss responds  
4:28:31 PM Testimony by Lisa Hurley, FL Assoc. of Counties, waived in support  
4:28:55 PM Michael Preston, Enterprise Florida, waives in support  
4:29:07 PM Sharon Spratt, Space Florida, waives in support  
4:29:15 PM Sen. Joyner asks question

**4:30:25 PM** Sen. Latvala responds  
**4:30:52 PM** Sen. Joyner asks follow-up question  
**4:30:59 PM** Sen. Latvala responds  
**4:31:10 PM** Sen. Joyner asks follow-up question  
**4:31:24 PM** Sen. Latvala responds  
**4:31:29 PM** Sen. Joyner asks question about fines  
**4:33:30 PM** Dan Carlton (EE Staff) responds with regard to the process of withholding  
**4:34:16 PM** Sen. Joyner asks follow-up question  
**4:34:32 PM** Mr. Carlton responds about line 293  
**4:35:18 PM** Sen. Joyner makes comment  
**4:35:26 PM** Sen. Latvala closes on SB 846 as amended  
**4:36:22 PM** Motion adopted to allow staff to make any technical changes  
**4:36:33 PM** Motion by Sen. Latvala that bill is made a committee substitute  
**4:37:06 PM** Roll Call - Favorable as Committee Substitute  
**4:37:23 PM** Chair Latvala makes closing comments  
**4:37:39 PM** Motion to Rise