

SB 2 by EE (CO-INTRODUCERS) Latvala, Gardiner, Thrasher, Legg, Lee, Benacquisto, Flores, Diaz de la Portilla; (Compare to H 0233) Ethics

159386	A	S	FAV	CA, Bradley	Delete L.272:	02/06 12:38 PM
937534	A	S	FAV	CA, Hukill	Delete L.285:	02/06 12:38 PM
682360	PCS	S		RC		02/12 12:12 PM
848812	PCS:A	S		RC, Latvala	btw L.401 - 402:	02/19 07:58 AM
816478	PCS:A	S		RC, Latvala	btw L.401 - 402:	02/19 02:00 PM
853548	PCS:A	S		RC, Latvala	Delete L.413 - 420:	02/19 07:56 AM
528262	PCS:A	S		RC, Latvala	Delete L.658 - 661:	02/19 08:00 AM
513722	PCS:A	S		RC, Latvala	Delete L.703 - 705:	02/19 07:59 AM
888248	PCS:A	S		RC, Latvala	Delete L.928 - 939:	02/19 08:00 AM

CS/SB 4 by GO, EE; (Compare to H 0287) Public Records and Meetings/Commission on Ethics

SB 686 by Thrasher; Florida Statutes

SB 688 by Thrasher; Florida Statutes

SB 690 by Thrasher; Florida Statutes

255538	A	S		RC, Thrasher	Delete L.3148 - 3251:	02/14 04:28 PM
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SB 692 by Thrasher; Florida Statutes

SB 694 by Thrasher; Florida Statutes

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Thrasher, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, February 19, 2013
TIME: 4:00 —6:00 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Thrasher, Chair; Senator Smith, Vice Chair; Senators Benacquisto, Diaz de la Portilla, Galvano, Gardiner, Latvala, Lee, Margolis, Montford, Negron, Richter, Ring, Simmons, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	A proposed committee substitute for the following bill (SB 2) is expected to be considered:		
2	SB 2 Ethics and Elections (Compare H 233, H 285, H 379, S 272, S 926, Link CS/S 4)	Ethics; Prohibiting public officers from accepting additional employment with the state or any of its political subdivisions; authorizing the Commission on Ethics or the Department of Financial Services to collect an unpaid fine within a specified period of the initial report of the automatic fine; prohibiting a reporting individual or procurement employee from soliciting or knowingly accepting a gift from a vendor; authorizing specified parties to submit written referrals of a possible violation of the Code of Ethics for Public Officers and Employees or other possible breaches of the public trust to the Commission on Ethics, etc.	CA 02/06/2013 Fav/2 Amendments RC 02/19/2013
3	CS/SB 4 Governmental Oversight and Accountability / Ethics and Elections (Compare H 287, H 297, H 381, S 652, Link S 2)	Public Records and Meetings/Commission on Ethics; Creating an exemption from public records requirements for written referrals and related records held by the Commission on Ethics, the Governor, the Department of Law Enforcement, or a state attorney; creating an exemption for records relating to a preliminary investigation held by the Commission on Ethics; creating an exemption from public meetings requirements for portions of proceedings of the Commission on Ethics in which the referrals are discussed or acted upon; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act, etc.	GO 02/06/2013 Fav/CS RC 02/19/2013

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 19, 2013, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 686 Thrasher	Florida Statutes; Adopting the Florida Statutes 2013 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2013 shall be effective immediately upon publication; providing that general laws enacted during the March 14-28, 2012, special session and prior thereto and not included in the Florida Statutes 2013 are repealed; providing that general laws enacted during the 2013 regular session are not repealed by this adoption act, etc.	RC 02/19/2013
5	SB 688 Thrasher	Florida Statutes; Amending provisions to conform to the directive of the Legislature in section 3 of chapter 2012-63, Laws of Florida, to prepare a reviser's bill for the 2013 Regular Session of the Legislature to substitute the term "Florida Administrative Register" for the term "Florida Administrative Weekly" throughout the Florida Statutes, etc.	RC 02/19/2013
6	SB 690 Thrasher	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process, etc.	RC 02/19/2013
7	SB 692 Thrasher	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2013 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc.	RC 02/19/2013
8	SB 694 Thrasher	Florida Statutes; Deleting provisions providing for apportionment of the districts for the State Senate and House of Representatives that have been superseded, etc.	RC 02/19/2013

COMMITTEE MEETING EXPANDED AGENDA

Rules

Tuesday, February 19, 2013, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	Proposed Rule Change to Rule 2.1 amending the name of the Committee on Military Affairs, Space, and Domestic Security		

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: PCS/SB 2 (682360)

INTRODUCER: Committee on Rules

SUBJECT: Ethics

DATE: February 12, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts		see SPB 7006 as introduced
2.	Anderson	Yeatman	CA	Fav/2 amendments
3.	Carlton	Phelps	RC	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

PCS/SB 2 is a comprehensive ethics reform bill which allows filers to use a certified public accountant (CPA) to prepare financial disclosure filings. The bill provides a “safe harbor” when errors are made by a CPA who was provided the necessary information to prepare the financial disclosure filing. PCS/SB 2 allows the Commission on Ethics (Commission) to collect unpaid financial disclosure fines, or collection agencies acting on its behalf, by garnishment of wages and by authorizing the Commission to obtain a lien on the filer’s real and personal property. However, this lien authority does not apply to a filer’s interest in a single motor vehicle valued at less than \$10,000. The bill creates a procedure for curing erroneous financial disclosure fines prior to September 1. A procedure is created to permit a filer to cure a filing that is the subject of a complaint, for a period of thirty days after the complaint has been filed if the alleged violation is de minimis in nature. The bill requires a qualifying officer to forward an electronic copy of the CE Form 6 of any candidate who qualifies for election prior to filing his or her financial disclosure to the Commission or to record the filing of a CE Form 1 filer as timely. If the candidate qualifies after he or she files annual financial disclosure, the candidate is permitted to file a copy of his or her financial disclosure form with the qualifying officer. All filers who file financial disclosure must designate whether the filer is using the dollar value threshold or the comparative (percentage) threshold to determine whether an interest is required to be disclosed.

Finally, the bill creates a grace period to file a new final financial disclosure form to correct any errors on the original filing; and, it provides a thirty day period in which to cure de minimis violations when a complaint is filed concerning a final financial disclosure filing. The bill extends the statute of limitations to collect an unpaid financial disclosure fine from four years to twenty years.

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

The bill defines the term “special private gain or loss” as used in the voting conflicts law. The bill prohibits a *state* public officer from voting on matters that would inure to his or her special private gain or loss. The bill also clarifies that a member of the Legislature may use a disclosure form created pursuant to the rules of his or her respective house to satisfy the voting conflict disclosure requirement. It also clarifies that where a public officer, who also is an attorney, is required to disclose the nature of an interest he or she is not required to disclose specific information covered that would violate confidentiality or privilege. The bill also specifies that members of the board of directors of Enterprise Florida must comply with the voting conflicts provision applicable to state public officers.

Senate Bill 2 clarifies that, for purposes of the gifts and honoraria laws, only those who have the authority to purchase more than \$10,000 in a fiscal year are “procurement employees.” The bill also prohibits reporting individuals from soliciting a gift or honoraria, from accepting any honoraria, or from accepting a gift in excess of \$100 from a “vendor.” The bill defines the term “vendor.” For any gift from a vendor that is valued between \$25 and \$100, the vendor is required to report any gifts to reporting individuals or procurement employees on a quarterly basis.

Senate Bill 2 prohibits a reporting individual or procurement employee from soliciting or accepting a gift from a committee of continuous existence or a political committee.

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

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

The bill expands the lobbying prohibition applicable to former members of the Legislature by prohibiting former members from lobbying any agency for a period of two years after leaving the Legislature. It also prohibits a former member from accepting any position as a partner, principal, employee of a firm, or contracting as a consultant for the purpose of drafting, strategizing, consulting, advising or in any way working on matters that will come before the Legislature, or to provide networking or relationship building services with sitting members of the Legislature for a period of two years after leaving the Legislature. If the primary purpose of the firm with which the former member is associating with or consulting is lobbying the Legislature, such work is presumptively prohibited unless the former Legislator or firm first obtains an opinion stating that the employment complies with the above limitations on employment. The bill requires an annual affirmation that the former member did not engage in prohibited activities.

The bill prohibits dual public employment by elected public officers and candidates for elected public office under certain circumstances and restricts certain promotions or advancements. Specifically, the bill would prohibit an elected public officer or candidate for elected public office, for the period of that candidacy, from obtaining new public employment after qualifying for elected public office if the officer knows, or should know, that the position is being offered for the purpose of gaining influence or other advantage. It also establishes criteria used to determine whether the position is being offered for the purpose of gaining influence or other advantage. Members who had public employment prior to qualifying as a candidate would be allowed to keep their employment. However, the member or candidate may not accept promotions, raises, or any other additional compensation which is inconsistent with other similarly situated employees when the member knows, or should know that the additional compensation is being given because of his/her office or candidacy.

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

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 112.312, 112.3125, 112.313, 112.3142, 112.31425, 112.3143, 112.3144, 112.31445, 112.3145, 112.31455, 112.3147, 112.3148, 112.31485, 112.3149, and 112.324.

II. Present Situation:

Financial Disclosure

Currently, all elected constitutional officers and candidates for such offices are required by Art. II, s. 8 of the State Constitution, to file a full and public disclosure of their financial interests (CE Form 6) annually. The annual full and public disclosure is also required of all statewide elected officers and any other officers, candidates, and employees as determined by law. Additionally, other local officers, state employees, and local employees are required to file an annual statement of financial interests (CE Form 1).¹ The Commission has promulgated forms by which a filer may amend his or her full public disclosure of financial interests (CE Form 6X) or statement of financial interests (CE Form 1X). The Commission has also promulgated disclosure forms required of a public officer or employee upon leaving office or public employment. Those forms are the final full and public disclosure of financial interests (CE Form 6F) and the final statement of financial interests (CE Form 1F). There is no specific form by which to amend a final full and public disclosure of financial interests or a final statement of financial interests. Currently, the financial disclosure requirements are contained in s. 112.3144, F.S., and s. 112.3145, F.S.

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

The Commission serves as the depository for financial disclosure filings of state officers or employees. Those who serve at a local level file their financial disclosure with the local supervisor of elections. The Commission and supervisors of elections are statutorily required to assist each other in identifying those subject to the financial disclosure requirement, providing notice to those individuals, and tracking receipt of financial disclosures. In the event that an individual fails to timely file his or her financial disclosure, the Commission imposes an automatic fine of \$25 per day for failure to timely file financial disclosure. The automatic fine is

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

capped at \$1,500. Neither the Commission nor the supervisor of elections is required to examine the financial disclosure filings.

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

Gifts and Honoraria

Gifts to public officers and employees are regulated pursuant to s. 112.3148, F.S. "Gift" is defined in s. 112.312(9), F.S., and encompasses nearly anything of value. Under s. 112.3148, F.S., a reporting individual or procurement employee ("RIPE") is prohibited from soliciting any gift from a political committee, committee of continuous existence, a lobbyist, or an employer, principal, partner or a firm of a lobbyist. A "reporting individual" is anyone who is required to file financial disclosure, including candidates. A "procurement employee" is an employee of an officer, department, board, commission, or council of the executive or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds \$1,000 in any year.

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

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

reasonable transportation, lodging, and food and beverage expenses related to the honorarium event. Actual and reasonable related expenses also include event or meeting registration fees to the RIPE and his or her spouse.

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

Gifts from Certain Political Committees

Committees of continuous existence and political committees are statutory entities authorized in s. 106.04, F.S., and s. 106.03, F.S., respectively, to engage in certain political activities. Currently, s. 112.3148, F.S., prohibits a reporting individual or procurement employee from soliciting a “gift” from a committee of continuous existence or a political committee. “Gift” is defined in s. 112.312(9), F.S., and encompasses nearly anything of value. However, there are some items in that definition which are specifically excluded from the definition of “gift,” the most significant of which is a campaign contribution or expenditure regulated by Chapter 106 and/or federal law.² Current law also prohibits a reporting individual or procurement employee from accepting anything over \$100 in value. If a reporting individual or procurement employee accepts a “gift” valued less than \$100, but greater than \$25, the committee of continuous existence or political committee must disclose the gift by filing a CE Form 30 with the Florida Commission on Ethics.

Blind Trusts

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

State Public Officer Voting Conflicts

Under s. 112.3143(2), F.S., *no state public officer is prohibited from voting in an official capacity on any matter.* However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting.

² Section 112.313(12)(b)2, F.S.

Complaints Against Candidates

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

Initiation of Investigations

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

If the Executive Director determines that the complaint is sufficient to invoke the jurisdiction of the Commission, the Executive Director orders the complaint to be investigated. After the Executive Director orders the complaint to be investigated, it is assigned to a neutral investigator for investigation consistent with the Commission’s rules. After the investigation is completed the Commission reviews the complaint to determine whether probable cause exists to find a violation of the Code of Ethics. If the Commission determines that probable cause does not exist, the complaint is dismissed and all records become open to the public. If the Commission determines that probable cause exists, the complaint, files, and any further proceedings become public record. The subject of any complaint may waive confidentiality of the complaint against him or her at any time during the proceedings. If confidentiality is waived, all records are open to the public and any proceedings will be conducted in the public session of the Commission.

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

Ethics Training

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

Legislative Revolving Door Policies

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

Dual Public Employment

Currently, there is no prohibition on members of the Legislature being employed by the state or any of its political subdivisions. The only similar provision in the Code of Ethics is in s. 112.313(10), F.S., which prohibits an employee of a state agency, or of a county, municipality, special taxing district, or other political subdivision of the state from holding office as a member of the governing body of that unit of government while an employee.

“Executive Branch Expenditure Ban”

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

Under “Executive Branch Expenditure Ban,” an official, member, or employee of the executive branch is prohibited from soliciting or accepting, directly or indirectly, an expenditure from a lobbyist or principal.⁴ A lobbying firm is subject to a fine of up to \$5,000 for violating the “Executive Branch Expenditure Ban.”⁵ For purposes of this prohibition, 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 “expenditure” does not include contributions or expenditures reported pursuant to chapter 106, F.S., or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

III. Effect of Proposed Changes:

Financial Disclosure

Public Accessibility (Section 8)

³ Section 112.3215(5), F.S.

⁴ Section 112.3215(6)(a), F.S.

⁵ Section 112.3215(10), F.S.

The bill creates s. 112.31445, F.S., which requires the Commission to scan all CE Form 6 filers and make them available in an online searchable database beginning with the 2012 filing year. The bill requires the Commission, by December 1, 2015, to prepare a proposal for submission to the President of the Senate and the Speaker of the House for the creation of an online financial disclosure filings system. The system would be similar to the system used by candidates, political committees, and others pursuant to Chapter 106 of the Florida Statutes. At a minimum, the proposal must:

- Mandate online filing system for CE Form 6 filers;
- Provide a secure method that prevents unauthorized access to electronic filing system functions;
- Permit the filer, or his or her CPA, to file via the internet portal;
- Require that the filings in the database be accessible to the public;
- Describe any necessary statutory or rule authority changes;
- Provide for an alternative filing method in case the filing system is inoperable; and
- Provide for a receipt to be obtained verifying that the officer has filed his or her form.

Collection Tools (Section 10)

The bill gives the Commission greater ability to collect financial disclosure fines. Specifically, the bill increases the statute of limitations for the Commission to collect unpaid financial disclosure fines from four years to twenty years. The bill creates s. 112.31455, F.S., which gives the Commission new tools to collect unpaid financial disclosure fines. That section requires the Commission to determine whether the person who owes the fine is a public officer or public employee. If the Commission determines that the person is a current public officer or public employee, then it may notify the Chief Financial Officer or governing body or board of the amount owed. After receipt and verification of the notice, the CFO or governing body/board must withhold the lesser of 10 percent, or the maximum allowable under federal law, of any payment made from public money to satisfy outstanding fines. Additionally, the CFO or governing body/board may withhold the amounts authorized in s. 77.0305, F.S., to compensate for administrative costs. If the Commission determines that the person is no longer a public officer, public employee, or receiving contractual payments from public funds, the bill provides the Commission or a collection agency with the authority to seek a lien on real or personal property, pursuant to Chapter 55, F.S., and/or garnishment of any wages, pursuant to Chapter 77, F.S., within the state six months after the order becomes final. However, an interest in a single motor vehicle, as defined in s. 320.01, F.S., is exempt from this authority.

De Minimis Exception Procedures (Sections 7 and 9)

The bill creates a new procedure for addressing de minimis errors or omissions in ss. 112.3144 and 112.3145, F.S., concerning complaints alleging violations of the financial disclosure requirement. Specifically, the bill creates an absolute “cure” by specifying that any amended disclosure form that is filed prior to September 1 is to be treated as the original filing, regardless of whether a complaint was filed during that period. If a complaint pertaining to the current year, or the preceding 5 years alleges a failure to properly and accurately disclose any required information, the Commission may immediately follow its normal complaint procedures in

s. 112.324, F.S. However, for a complaint filed after August 25, alleging an immaterial, inconsequential, or de minimis error or omission, the Commission must notify the filer that he or she has 30 days to file an amended financial disclosure form. If no amendment is filed within that timeframe, the Commission may continue with the complaint.

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

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

Preparation of Forms by a CPA/Safe Harbor (Sections 7 and 9)

Senate Bill 2 amends ss. 112.3144 and 112.3145, F.S., to permit all filers to use a CPA to prepare their financial disclosure forms for filing. The bill requires the CPA to attest that he or she prepared the form in accordance with applicable industry standards, if any, and that the form is true and correct to the best of his or her knowledge. If a complaint is filed alleging a failure to disclose anything required to be disclosed, the Commission must determine whether the CPA was aware of the interest. If he or she was aware of the interest, but failed to disclose the interest, the officer cannot be held in violation for failure to disclose the item. Because of the Code of Ethics for Public Officers and Employees does not apply to private sector CPAs, there is no penalty applicable to a CPA in this provision. However, the CPA is subject to punishment for any violation of his or her statutory duties as a CPA. The bill also amends ss. 112.3144 and 112.3145, F.S., to permit a candidate or elected officeholder to pay for the costs of the CPA from a campaign account created pursuant to s. 106.11, F.S., during the year that the individual qualifies for election to public office, or from his or her office account created pursuant to s. 106.141, F.S.

Candidate Qualifying Financial Disclosures (Sections 7 and 9)

The bill amends s. 112.3144 F.S., to require a qualifying officer to send an electronic copy of a candidate's financial disclosure CE Form 6 to the Commission within three (3) days of receipt. The electronic copy sent to the Commission will satisfy that year's annual financial disclosure requirement. That provision only applies if the candidate qualifies before the deadline to file the annual financial disclosure filing. However, if the candidate qualifies after the candidate's financial disclosure form has been filed with the Commission or Supervisor of Elections, the candidate is required to file a copy of the disclosure form with his or her qualifying officer.

The bill also amends s. 112.3145, F.S., to require the Supervisor of Elections to record that a candidate's CE Form 1 was timely filed if he or she qualifies before the annual financial disclosure deadline. If a candidate qualifies for office after the annual deadline to file a CE Form 1 has passed, the candidate may file a copy of his or her previously filed financial disclosure with his or her qualifying papers.

CE Form 1 Filing Requirements (Section 9)

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

The bill requires the following to file a statement of financial interests (CE Form 1) pursuant to s. 112.3145, F.S.:

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

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

Gifts and Honoraria (Sections 12 and 14)

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

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

⁶ Ch. 2009-85, *Laws of Florida*.

Gifts from Certain Political Committees (Section 13)

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

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

Blind Trusts (Section 5)

Senate Bill 2 creates s. 112.31425, F.S., permitting public officers to create a blind trust and place their assets into the trust. When a public officer places assets into a blind trust, the public officer gives the trustee the authority to dispose of the assets and the public officer must not attempt to influence or exert control over decisions regarding the management of the trust. However, the public officer may make requests for distributions, communicate with the trustee concerning his or her financial needs, and provide instructions to sell certain assets originally placed in the trust if the public officer is subsequently prohibited by law from holding the assets. The public officer would also be entitled to enough information from the trustee to prepare their personal income tax statements. The public officer would be required to disclose the blind trust as an asset on his or her financial disclosure form. The public officer would also be required to disclose as primary income any income exceeding the thresholds for reporting.

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

The public officer must notify the Commission that the trust was created within 5 business days. The notice to the Commission must set forth the date the agreement was executed; the name and address of the trustee; and acknowledgement that he or she has agreed to serve as the trustee.

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

State Public Officer Voting Conflicts (Section 6)

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

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

The bill clarifies that the disclosure requirement does not require a public officer, who is also an attorney, to disclose specific information that would violate confidentiality or privilege. However, it explains that the public officer must disclose the nature of the interest in such a way as to provide the public with notice of the conflict.

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

Finally, the bill specifies in s. 288.901, F.S., that members of the board of directors of Enterprise Florida are subject to the provisions in s. 112.3143(2), F.S., applicable to state public officers.

Complaints Against Candidates (Section 17)

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

Complaints and Investigative Proceedings (Section 17)

The bill amends s. 112.324, F.S., to authorize the Commission to initiate investigations based upon a referral received from the Governor, the Florida Department of Law Enforcement, a state

attorney, or a U.S. Attorney. In order to investigate such a referral, a vote of six members of the Commission is required. The bill requires that records and proceedings associated with a referral remain confidential until: the Commission determines that it will not investigate the referral; the Commission determines whether probable cause exists to believe that a violation occurred; or, the subject of the complaint waives confidentiality.⁷

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

Ethics Training (Section 4)

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

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

Legislative Revolving Door Policies (Section 3)

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

⁷ In order to exempt a referral from public records and open meetings laws, a second bill containing the public records and open meetings exemptions will be required pursuant to Article I, Section 24, Florida Constitution. That bill, SB 4, must pass by a 2/3 vote of each house.

entity must file an annual statement attesting that the former member did not engage in any of the prohibited activities.

The statement must be filed with either the Secretary of the Senate or the Clerk of the House of Representatives.

Dual Public Employment (Section 2)

The bill creates s. 112.3125, F.S., which prohibits an elected public officer or, for the period of his or her candidacy, any person who has qualified as a candidate for elected public office from accepting employment with the state or any of its political subdivisions if the officer knows, or should know, that the position is being offered for the purpose of gaining influence or other advantage based on the officer's public office or candidacy. The bill also provides the following minimum requirements that must be met during the selection process in order for a public officer to be able to accept employment with another public agency:

- The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer's interest in such a position;
- The position must be publicly advertised;
- The public officer was subject to the same application and hiring process as other candidates for the position; and
- The public officer met or exceeded the required qualifications for the position.

If a public officer had public employment prior to qualifying for office, he or she may not accept promotion, advancement, additional compensation, or other thing of value that he or she knows, or with the exercise of reasonable care should know, was given as a result of the officer's election or position as a officer, or that is otherwise inconsistent with the promotion, advancement, additional compensation, or things of value provided to other similarly-situated employees.

"Executive Branch Expenditure Ban" Changes (Section 16)

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill creates a new exemption for public records and open meetings related to referrals to the Commission on Ethics from the Governor, the Florida Department of Law Enforcement, or a state attorney. These exemptions are the subject of a travelling companion bill, SB 4.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As a result of creating new standards of conduct and allowing the Commission on Ethics to receive referrals, there may be an increased number of opinions and proceedings concerning alleged violations of the Code of Ethics. The extent of such increase is indeterminate. However, it does not appear that it will have a substantial affect on appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is linked to SB 4.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**PCS (682360) by Committee on Rules:**

The PCS differs from the original bill in that it:

Amends the Definitions Section of the Code of Ethics in Section 1 to:

- Clarify that the term “business entity” in the Code of Ethics includes a company or a limited liability company.

Amends the Dual Public Employment provisions in Section 2 to:

- Provide that a public officer may not accept public employment if the officer knows, or should know, that the position is being offered for the purpose of gaining influence or other advantage based on the officer's public office or candidacy. This incorporates an amendment (Barcode 159386) done in Community Affairs on February 6, 2013, with minor technical changes. Also, the specific exemption for educators has been removed because it is unnecessary in light of these changes.
- Specify conditions that must be satisfied before a public officer may accept public employment.

Amends the Revolving Door provision in Section 3 to:

- Prohibit a former member from associating with any firm, ***regardless of whether the firm's primary purpose is lobbying***, for the purpose of working on matters that will come before the Legislature or to provide networking or relationship building services with sitting members.
- Clarify that a former legislator, or the firm with which the former legislator is associating, must receive a ***favorable*** opinion from the Commission on Ethics prior to associating with a firm whose primary purpose is legislative lobbying.
- Remove the requirement that a former legislator who served in both houses of the Legislature must file an affirmation that he or she did not engage in prohibited activities with both houses.

Amends the Annual Ethics Training Requirement in Section 4 to:

- Clarify that a public officer must complete a total of four hours of ethics training annually, rather than an annual four-hour ethics training.

Amends the Voting Conflicts Law in Section 6 to:

- Clarify that a public officer, who is also an attorney, required to disclose any interest under the voting conflicts law (s. 112.3143, F.S.) is not required to disclose any ***specific*** information that would violate confidentiality or privilege. However, the attorney/public officer must still disclose the nature of the conflict in such a way as to provide the public notice of the conflict.
- Specify that members of the board of directors of Enterprise Florida must comply with the voting conflicts standards applicable to state public officers in s. 112.3143(2), F.S. (This change is made in Section 21 of the PCS.)

Amends the Financial Disclosure Law Changes in Sections 9 and 10 to:

- Fix a glitch that would have required Supervisors of Elections to forward electronic copies of CE Form 1 financial disclosure filings to the Commission on Ethics. The Commission does not currently receive these filings. Rather, the Supervisor of Elections must record that a candidate's CE Form 1 was timely filed if he or she qualifies before the annual financial disclosure deadline.
- Move the statute of limitations for collecting unpaid financial disclosure fines to the new provision in s. 112.31455, F.S., providing new collections tools.

- Remove the authority to withhold portions of public contract payments made to former financial disclosure filers owing a fine.
- Clarify that after the Department of Financial Services must comply with federal law governing the maximum payroll withholding amounts when it is withhold money from a public officer's or public employee's public payments. The Department is authorized to withhold an additional \$5 of the first check, and \$2 for any additional paycheck, to cover administrative costs.
- Provide authority to obtain liens, on both real and personal property, and garnishment when the Commission is unable to determine whether the person owing an unpaid financial disclosure fine is currently a public officer or public employee.
- Provide that an interest in a single motor vehicle is exempt from becoming the subject of a lien if its value is less than \$10,000.
- Clarify that collections agencies selected to collect unpaid financial disclosure fines may use any method of collection, including liens and garnishment, as provided by law.

Amends the Gifts Law provisions in Section 12 to:

- Harmonize the definition of procurement employee in ss. 112.3148 with the definition in 112.3149, F.S., by specifying that person has the authority to acquire more than \$10,000 in goods or services for their agency in a *fiscal* year.

Amends the Executive Branch Expenditure Ban changes in Section 16 to:

- Provide that lobbyists and principals may be penalized for violations of the Executive Branch Expenditure ban in s. 112.3215, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 401 and 402
insert:

Section 4. The amendments made to paragraph (9) (a) of s. 112.313, Florida Statutes, by section 3 of this act, apply to members of the Legislature who begin a new term of office after the effective date of this act.

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

And the title is amended as follows:

Delete line 18
and insert:



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statement; specifying applicability of amendments made
by the act; creating s. 112.3142, F.S.; defining the



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 401 and 402
insert:

(18) LOCAL OFFICERS; EMPLOYMENT RESTRICTION.—

(a) For the purposes of this subsection, "managerial or administrative position" includes employment as a local government attorney or the chief administrative officer of the city, town, or village.

(b) A person who has been elected to any city, town, or village office may not be employed in a managerial or administrative position by another city, town, or village within the same county during his or her term of office.



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And the directory clause is amended as follows:

Delete line 296

and insert:

112.313, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

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T I T L E A M E N D M E N T
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And the title is amended as follows:

Delete line 18

and insert:

statement; providing a definition for "managerial or administrative position"; prohibiting a specified local officer from accepting certain employment during his or her term of office; creating s. 112.3142, F.S.; defining the



LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 413 - 420

and insert:

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

(b) The commission shall adopt rules establishing minimum



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14 course content for the portion of an ethics training class that
15 addresses s. 8, Art. II of the State Constitution and the Code
16 of Ethics for Public Officers and Employees.

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

19 And the title is amended as follows:

20 Delete line 22

21 and insert:

22 requiring the commission to adopt rules to establish
23 minimum course content; requiring each house of the
24 Legislature to provide for



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 658 - 661
and insert:
public accountant licensed under chapter 473. After preparing a disclosure form, the certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief,

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

And the title is amended as follows:



528262

14 Delete lines 70 - 77
15 and insert:
16 public accountant to sign the completed disclosure
17 form to indicate compliance with applicable
18 requirements and that the disclosure is true and
19 correct based on reasonable knowledge and belief;
20 requiring the commission to determine if a certified
21 public accountant failed to disclose information
22 provided by the filing individual on the filed
23 statement; providing that the failure of the certified
24 public accountant to accurately transcribe information
25 provided by the filing individual does not constitute
26 a violation;



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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Latvala) recommended the following:

Senate Amendment

Delete lines 703 - 705
and insert:
licensed in this state to sign the disclosure form to indicate
that he or she prepared the form in accordance with this section
and the instructions for completing and filing the disclosure
form and that, upon his or her reasonable knowledge and belief,



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 928 - 939
and insert:
certified public accountant licensed under chapter 473. After preparing a disclosure form, the certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the certified



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14 public accountant. The failure of the certified public
15 accountant to accurately transcribe information provided by the
16 individual who is required to file the disclosure does not
17 constitute a violation of this section.

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

20 And the title is amended as follows:

21 Delete lines 110 - 118

22 and insert:

23 certified public accountant to sign the completed
24 disclosure form to indicate compliance with applicable
25 requirements and that the disclosure is true and
26 correct based on reasonable knowledge and belief;
27 requiring the commission to determine if a certified
28 public accountant failed to disclose information
29 provided by the filing individual on the filed
30 statement; providing that the failure of the certified
31 public accountant to accurately transcribe information
32 provided by the filing individual does not constitute
33 a violation; authorizing an elected officer or
34 candidate



595-01580A-13

Proposed Committee Substitute by the Committee on Rules

A bill to be entitled

An act relating to ethics; amending s. 112.312, F.S.;
revising definitions; creating s. 112.3125, F.S.;
defining the term "public officer"; prohibiting public
officers from accepting additional employment with the
state or any of its political subdivisions under
specified conditions; amending s. 112.313, F.S.;
providing that a member of the Legislature may not
personally represent another person or entity for
compensation before any state agency for a period of 2
years following vacation of office; providing
exceptions; providing that no member of the
Legislature may associate as a partner, principal, or
employee of a firm whose primary purpose is lobbying
the Legislature within the first 2 years after
vacation of office under specified conditions;
establishing filing requirements for a sworn
statement; creating s. 112.3142, F.S.; defining the
term "constitutional officers"; requiring
constitutional officers to complete annual ethics
training; specifying requirements for ethics training;
requiring each house of the Legislature to provide for
ethics training pursuant to its rules; creating s.
112.31425, F.S.; providing legislative findings;
providing that holding an economic interest in a
qualified blind trust is not a prohibited conflict of
interest; providing that a public officer may not
attempt to influence, exercise control of, or obtain



595-01580A-13

information regarding the holdings of the qualified
blind trust; prohibiting communication regarding the
qualified blind trust between a public officer or a
person having a beneficial interest in the trust and
the trustee; providing exceptions; requiring a public
officer to report the qualified blind trust and its
value on his or her financial disclosure form under
specified circumstances; establishing requirements for
creation of a qualified blind trust; requiring a
public officer who holds a qualified blind trust to
file a notice with the Commission on Ethics; requiring
a covered public official to file an amendment to his
or her most recent financial disclosure statement
under specified conditions; amending s. 112.3143,
F.S.; providing definitions for "principal" and
"special gain or loss"; requiring state public
officers to abstain from voting on any matter that the
officer knows would inure to his or her special
private gain or loss; requiring that a memorandum
filed after a vote be filed no later than 15 days
after the vote; providing that a member of the
Legislature satisfies the disclosure requirement by
filing a form created pursuant to the rules of his or
her respective house; providing that confidential or
privileged information need not be disclosed; amending
s. 112.3144, F.S.; requiring the qualifying officer to
electronically transmit a full and public disclosure
of financial interests of a qualified candidate to the
commission; providing timeframes for the filing of



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



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87 proposal to the President of the Senate and the
88 Speaker of the House of Representatives for a
89 mandatory electronic filing system by a specified
90 date; establishing minimum requirements for the
91 commission's proposal; amending s. 112.3145, F.S.;
92 revising the definitions of "local officer" and
93 "specified state employee"; revising procedures for
94 the filing of a statement of financial interests with
95 a candidate's qualifying papers; requiring a person
96 filing a statement of financial interest to indicate
97 the method of reporting income; providing timeframes
98 for the filing of certain complaints; authorizing
99 filing individuals to file an amended statement during
100 a specified timeframe under specified conditions;
101 authorizing the commission to immediately follow
102 complaint procedures under specified conditions;
103 prohibiting the commission from taking action on
104 complaints alleging immaterial, inconsequential, or de
105 minimis errors or omissions; providing what
106 constitutes an immaterial, inconsequential, or de
107 minimis error or omission; authorizing an individual
108 required to file a disclosure to have the statement
109 prepared by a certified public accountant; requiring a
110 certified public accountant to attest to the veracity
111 of the disclosure; requiring the commission to
112 determine if a certified public accountant failed to
113 disclose information provided by the filing individual
114 on the filed statement; providing that the filing
115 individual is not in violation of the section if a



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116 certified public accountant was in custody of such
117 information but failed to disclose it on the
118 statement; authorizing an elected officer or candidate
119 to use funds in an office account or campaign
120 depository to pay a certified public accountant for
121 preparing a disclosure; creating s. 112.31455, F.S.;
122 requiring the commission to determine whether an
123 individual owing certain fines is a current public
124 officer or public employee; requiring the commission
125 to notify the Chief Financial Officer or the governing
126 body of a county, municipality, or special district of
127 the total amount of any fine owed to the commission by
128 such individuals; requiring that the Chief Financial
129 Officer or the governing body of a county,
130 municipality, or special district begin withholding
131 portions of any salary payment that would otherwise be
132 paid to the current public officer or public employee;
133 requiring that the withheld payments be remitted to
134 the commission until the fine is satisfied;
135 authorizing the Chief Financial Officer or the
136 governing body to retain a portion of payment for
137 administrative costs; authorizing collection methods
138 for the commission or the Department of Financial
139 Services for individuals who are no longer public
140 officers or public employees; authorizing the
141 commission to contract with a collection agency;
142 authorizing the commission to collect an unpaid fine
143 within a specified period of issuance of the final
144 order; amending s. 112.3147, F.S.; providing an



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145 exception to the requirement that all forms be
146 prescribed by the commission; amending s. 112.3148,
147 F.S.; revising the definition of "procurement
148 employee"; creating a definition for "vendor";
149 prohibiting a reporting individual or procurement
150 employee from soliciting or knowingly accepting a gift
151 from a vendor; deleting references to political
152 committees and committees of continuous existence;
153 creating s. 112.31485, F.S.; providing definitions for
154 "gift" and "immediate family"; prohibiting a reporting
155 individual or procurement employee or a member of his
156 or her immediate family from soliciting or knowingly
157 accepting any gift from a political committee or
158 committee of continuous existence; prohibiting a
159 political committee or committee of continuous
160 existence from giving any gift to a reporting
161 individual or procurement employee or a member of his
162 or her immediate family; providing penalties for a
163 violation; requiring that individuals who violate this
164 section be held personally liable; amending s.
165 112.3149, F.S.; revising the definition of
166 "procurement employee"; creating a definition for
167 "vendor"; prohibiting a reporting individual or
168 procurement employee from knowingly accepting an
169 honorarium from a vendor; prohibiting a vendor from
170 giving an honorarium to a reporting individual or
171 procurement employee; amending s. 112.317, F.S.;
172 making technical changes; amending s. 112.3215, F.S.;
173 authorizing the commission to investigate sworn



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174 complaints alleging a prohibited expenditure;
175 authorizing the commission to investigate a lobbyist
176 or principal upon a sworn complaint or random audit;
177 authorizing the Governor and Cabinet to assess a fine
178 on a lobbyist or principal under specified conditions;
179 providing a civil penalty; amending s. 112.324, F.S.;
180 authorizing specified parties to submit written
181 referrals of a possible violation of the Code of
182 Ethics for Public Officers and Employees or other
183 possible breaches of the public trust to the
184 Commission on Ethics; establishing procedures for the
185 receipt of written referrals by the commission;
186 extending the period in which the disclosure of the
187 intent to file or the filing of a complaint against a
188 candidate is prohibited; providing exceptions;
189 requiring the commission to dismiss a complaint of a
190 de minimis violation; providing exceptions; defining a
191 de minimis violation; reenacting s. 120.665, F.S.,
192 relating to disqualification of agency personnel, to
193 incorporate the amendments to s. 112.3143, F.S., in a
194 reference thereto; reenacting s. 286.012, F.S.,
195 relating to voting requirements at meetings of
196 governmental bodies, to incorporate the amendments
197 made to s. 112.3143, F.S., in a reference thereto;
198 reenacting s. 287.175, F.S., relating to penalties, to
199 incorporate the amendments made to s. 112.324, F.S.,
200 in a reference thereto; amending s. 288.901, F.S.;
201 correcting a cross-reference; amending s. 445.007,
202 F.S., and reenacting subsection (1) of that section,



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203 relating to regional workforce boards, to incorporate
204 the amendments made to s. 112.3143, F.S., in a
205 reference thereto; correcting cross-references;
206 reenacting s. 627.311(5)(m), F.S., relating to joint
207 underwriters and joint reinsurers, to incorporate the
208 amendments made to s. 112.3143, F.S., in a reference
209 thereto; reenacting s. 627.351(6)(d), F.S., relating
210 to Citizens Property Insurance Corporation, to
211 incorporate the amendments made to s. 112.3143, F.S.;
212 providing an effective date.
213
214 Be It Enacted by the Legislature of the State of Florida:
215
216 Section 1. Subsection (5) and paragraph (b) of subsection
217 (12) of section 112.312, Florida Statutes, is amended to read:
218 112.312 Definitions.—As used in this part and for purposes
219 of the provisions of s. 8, Art. II of the State Constitution,
220 unless the context otherwise requires:
221 (5) "Business entity" means any corporation, partnership,
222 limited partnership, company, limited liability company,
223 proprietorship, firm, enterprise, franchise, association, self-
224 employed individual, or trust, whether fictitiously named or
225 not, doing business in this state.
226 (12)
227 (b) "Gift" does not include:
228 1. Salary, benefits, services, fees, commissions, gifts, or
229 expenses associated primarily with the donee's employment,
230 business, or service as an officer or director of a corporation
231 or organization.



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232 2. Except as provided in s. 112.31485, contributions or
233 expenditures reported pursuant to chapter 106, contributions or
234 expenditures reported pursuant to federal election law,
235 campaign-related personal services provided without compensation
236 by individuals volunteering their time, or any other
237 contribution or expenditure by a political party or affiliated
238 party committee.

239 3. An honorarium or an expense related to an honorarium
240 event paid to a person or the person's spouse.

241 4. An award, plaque, certificate, or similar personalized
242 item given in recognition of the donee's public, civic,
243 charitable, or professional service.

244 5. An honorary membership in a service or fraternal
245 organization presented merely as a courtesy by such
246 organization.

247 6. The use of a public facility or public property, made
248 available by a governmental agency, for a public purpose.

249 7. Transportation provided to a public officer or employee
250 by an agency in relation to officially approved governmental
251 business.

252 8. Gifts provided directly or indirectly by a state,
253 regional, or national organization which promotes the exchange
254 of ideas between, or the professional development of,
255 governmental officials or employees, and whose membership is
256 primarily composed of elected or appointed public officials or
257 staff, to members of that organization or officials or staff of
258 a governmental agency that is a member of that organization.

259 Section 2. Section 112.3125, Florida Statutes, is created
260 to read:



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261 112.3125 Dual public employment.-

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

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

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

274 (a)1. The position was already in existence or was created
275 by the employer without the knowledge or anticipation of the
276 public officer's interest in such position;

277 2. The position was publicly advertised;

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

280 4. The public officer meets or exceeds the required
281 qualifications for the position.

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



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290 inconsistent with the promotion, advancement, additional
291 compensation, or anything of value provided or given an employee
292 who is similarly situated.

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

295 Section 3. Paragraph (a) of subsection (9) of section
296 112.313, Florida Statutes, is amended to read:

297 112.313 Standards of conduct for public officers, employees
298 of agencies, and local government attorneys.—

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

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

306 2. As used in this paragraph:

307 a. "Employee" means:

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

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

318 (III) The executive director and deputy executive director



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319 of the Commission on Ethics.

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

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

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

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

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

347 3. No member of the Legislature, appointed state officer,



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348 or statewide elected officer shall personally represent another
349 person or entity for compensation before the government body or
350 agency of which the individual was an officer or member for a
351 period of 2 years following vacation of office. No member of the
352 Legislature shall personally represent another person or entity
353 for compensation during his or her term of office, or for a
354 period of 2 years following vacation of office, before any state
355 agency other than judicial tribunals or in settlement
356 negotiations after the filing of a lawsuit. No member shall
357 associate as a partner, principal, employee of a firm, or
358 consultant for a period of 2 years following vacation of office
359 for the purpose of drafting, strategizing, consulting, advising
360 or in any way working on matters that will come before the
361 Legislature or provide networking or relationship building
362 services with sitting members of the Legislature. For purposes
363 of this prohibition, employment, partnership, or association
364 with a principal, firm, or entity whose primary purpose is
365 legislative lobbying is presumptively prohibited unless the
366 principal, firm, entity, or former member first receives an
367 advisory opinion from the commission finding that the proposed
368 employment is in compliance with this section. If the primary
369 purpose of the employer, association or partnership, principal,
370 firm, or entity affiliating with the former member is
371 legislative lobbying, such entity must file annually a sworn
372 statement with the Secretary of the Senate or the Clerk of the
373 House of Representatives affirming that the former member did
374 not engage in any of the prohibited activities.

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



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377 that was transferred to the Selected Exempt Service System under
378 chapter 2001-43, Laws of Florida, may not personally represent
379 another person or entity for compensation before the agency with
380 which he or she was employed for a period of 2 years following
381 vacation of position, unless employed by another agency of state
382 government.

383 5. Any person violating this paragraph shall be subject to
384 the penalties provided in s. 112.317 and a civil penalty of an
385 amount equal to the compensation which the person receives for
386 the prohibited conduct.

387 6. This paragraph is not applicable to:

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

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

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

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

399 e. Any appointed state officer whose term of office began
400 before January 1, 1995, unless reappointed to that office on or
401 after January 1, 1995.

402 Section 4. Section 112.3142, Florida Statutes, is created
403 to read:

404 112.3142 Ethics training for specified constitutional
405 officers.-



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406 (1) As used in this section, the term "constitutional
407 officers" includes the Governor, the Lieutenant Governor, the
408 Attorney General, the Chief Financial Officer, the Commissioner
409 of Agriculture, state attorneys, public defenders, sheriffs, tax
410 collectors, property appraisers, supervisors of elections,
411 clerks of the circuit court, county commissioners, district
412 school board members, and superintendents of schools.

413 (2) All constitutional officers must complete 4 hours of
414 ethics training annually that addresses, at a minimum, s. 8,
415 Art. II of the State Constitution, the Code of Ethics for Public
416 Officers and Employees, and the public records and public
417 meetings laws of this state. This requirement may be satisfied
418 by completion of a continuing legal education class or other
419 continuing professional education class, seminar, or
420 presentation if the required subjects are covered.

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

423 Section 5. Section 112.31425, Florida Statutes, is created
424 to read:

425 112.31425 Qualified blind trusts.-

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

430 (2) If a public officer holds a beneficial interest in a
431 qualified blind trust as described in this section, he or she
432 does not have a conflict of interest prohibited under s.
433 112.313(3) or (7) or a voting conflict of interest under s.
434 112.3143 with regard to matters pertaining to that interest.



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435 (3) The public officer may not attempt to influence or
436 exercise any control over decisions regarding the management of
437 assets in a qualified blind trust. The public officer or any
438 person having a beneficial interest in the qualified blind trust
439 may not make any effort to obtain information with respect to
440 the holdings of the trust, including obtaining a copy of any
441 trust tax return filed or any information relating thereto,
442 except as otherwise provided in this section.

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

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

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

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

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



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464 assumption of duties by the public officer.

465 (5) The public officer shall report the beneficial interest
466 in the qualified blind trust and its value as an asset on his or
467 her financial disclosure form, if the value is required to be
468 disclosed. The public officer shall report the blind trust as a
469 primary source of income on his or her financial disclosure
470 forms and its amount, if the amount of income is required to be
471 disclosed. The public officer is not required to report as a
472 secondary source of income any source of income to the blind
473 trust.

474 (6) In order to constitute a qualified blind trust, the
475 trust established by the public officer must meet the following
476 requirements:

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

478 1. The public officer's spouse, child, parent, grandparent,
479 grandchild, brother, sister, parent-in-law, brother-in-law,
480 sister-in-law, aunt, uncle, or first cousin, or the spouse of
481 any such person;

482 2. A person who is an elected or appointed public officer
483 or a public employee; or

484 3. A person who has been appointed to serve in an agency by
485 the public officer or by a public officer or public employee
486 supervised by the public officer.

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

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

492 2. Give the trustee complete discretion to manage the



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493 trust, including, but not limited to, the power to dispose of
494 and acquire trust assets without consulting or notifying the
495 covered public officer or the person having a beneficial
496 interest in the trust.

497 3. Prohibit communication between the trustee and the
498 public officer, or the person who has a beneficial interest in
499 the trust, concerning the holdings or sources of income of the
500 trust, except amounts of cash value or net income or loss, if
501 such report does not identify any asset or holding, or except as
502 provided in this section.

503 4. Provide that the trust tax return is prepared by the
504 trustee or his or her designee and that any information relating
505 thereto is not disclosed to the public officer or to the person
506 who has a beneficial interest, except as provided in this
507 section.

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

513 6. Prohibit the trustee from disclosing to the public
514 officer or the person who has a beneficial interest any
515 information concerning replacement assets to the trust, except
516 for the minimum tax information that lists only the totals of
517 taxable items from the trust and does not describe the source of
518 individual items of income.

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



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522 1. The date that the agreement is executed;
523 2. The name and address of the trustee; and
524 3. The acknowledgement by the trustee that he or she has
525 agreed to serve as trustee.

526 (7) If the trust is revoked while the covered public
527 official is a public officer, or if the covered public official
528 learns of any replacement assets that have been added to the
529 trust, the covered public official shall file an amendment to
530 his or her most recent financial disclosure statement. The
531 amendment shall be filed no later than 60 days after the date of
532 revocation or the addition of the replacement assets. The
533 covered public official shall disclose the previously unreported
534 pro rata share of the trust's interests in investments or income
535 deriving from any such investments. For purposes of this
536 section, any replacement asset that becomes known to the covered
537 public official shall thereafter be treated as though it were an
538 original asset of the trust.

539 Section 6. Subsections (1) and (2) of section 112.3143,
540 Florida Statutes, are amended, current subsection (5) of that
541 section is renumbered as subsection (6), and a new subsection
542 (5) is added to that section, to read:

543 112.3143 Voting conflicts.—

544 (1) As used in this section:

545 (a) "Principal" includes the parent organization or
546 subsidiary of any business entity by which the public officer is
547 retained.

548 (b) ~~(a)~~ "Public officer" includes any person elected or
549 appointed to hold office in any agency, including any person
550 serving on an advisory body.



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551 (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,
552 husband, wife, brother, sister, father-in-law, mother-in-law,
553 son-in-law, or daughter-in-law.

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

558 (2) (a) A ~~Ne~~ state public officer may not vote on any matter
559 that the officer knows would inure to his or her special private
560 gain or loss is prohibited from voting in an official capacity
561 on any matter. However, Any state public officer who abstains
562 from voting in an official capacity upon any measure that which
563 the officer knows would inure to the officer's special private
564 gain or loss, or who votes in an official capacity on a measure
565 that, which he or she knows would inure to the special private
566 gain or loss of any principal by whom the officer is retained or
567 to the parent organization or subsidiary of a corporate
568 principal by which the officer is retained other than an agency
569 as defined in s. 112.312(2); or which the officer knows would
570 inure to the special private gain or loss of a relative or
571 business associate of the public officer, shall make every
572 reasonable effort to, within 15 days after the vote occurs,
573 disclose the nature of his or her interest as a public record in
574 a memorandum filed with the person responsible for recording the
575 minutes of the meeting, who shall incorporate the memorandum in
576 the minutes. If it is not possible for the state public officer
577 to file a memorandum before the vote, the memorandum must be
578 filed with the person responsible for recording the minutes of
579 the meeting no later than 15 days after the vote.



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

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

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

594 112.3144 Full and public disclosure of financial
595 interests.-

596 (2) A person who is required, pursuant to s. 8, Art. II of
597 the State Constitution, to file a full and public disclosure of
598 financial interests and who has filed a full and public
599 disclosure of financial interests for any calendar or fiscal
600 year shall not be required to file a statement of financial
601 interests pursuant to s. 112.3145(2) and (3) for the same year
602 or for any part thereof notwithstanding any requirement of this
603 part. When a candidate has qualified for office, the qualifying
604 officer shall, within 3 days of receipt of the full and public
605 disclosure of financial interests, forward an electronic copy of
606 the full and public disclosure to the commission. The electronic
607 copy of the full and public disclosure of financial interests
608 satisfies the annual disclosure requirement of this section. A



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609 candidate who does not qualify until after the annual full and
610 public disclosure has been filed pursuant to this section,
611 ~~except that a candidate for office shall file a copy of his or~~
612 ~~her disclosure with the officer before whom he or she qualifies.~~

613 (7) (a) The commission shall treat an amended full and
614 public disclosure of financial interests that is filed prior to
615 September 1 of the current year as the original filing,
616 regardless of whether a complaint has been filed. If a complaint
617 pertaining to the current year alleges a failure to properly and
618 accurately disclose any information required by this section or
619 if a complaint filed pertaining to a previous reporting period
620 within the preceding 5 years alleges a failure to properly and
621 accurately disclose any information required to be disclosed by
622 this section, the commission may immediately follow complaint
623 procedures in s. 112.324. However, if a complaint filed after
624 August 25 alleges an immaterial, inconsequential, or de minimis
625 error or omission, the commission may not take any action on the
626 complaint, other than notifying the filer of the complaint. The
627 filer must be given 30 days to file an amended full and public
628 disclosure of financial interests correcting any errors. If the
629 filer does not file an amended full and public disclosure of
630 financial interests within 30 days after the commission sends
631 notice of the complaint, the commission may continue with
632 proceedings pursuant to s. 112.324.

633 (b) For purposes of the final full and public disclosure of
634 financial interests, the commission shall treat a new final full
635 and public disclosure of financial interests as the original
636 filing if filed within 60 days after the original filing,
637 regardless of whether a complaint has been filed. If, more than



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638 60 days after a final full and public disclosure of financial
639 interests is filed, a complaint is filed alleging a complete
640 omission of any information required to be disclosed by this
641 section, the commission may immediately follow the complaint
642 procedures in s. 112.324. However, if the complaint alleges an
643 immaterial, inconsequential, or de minimis error or omission,
644 the commission may not take any action on the complaint, other
645 than notifying the filer of the complaint. The filer must be
646 given 30 days to file a new final full and public disclosure of
647 financial interests correcting any errors. If the filer does not
648 file a new final full and public disclosure of financial
649 interests within 30 days after the commission sends notice of
650 the complaint, the commission may continue with proceedings
651 pursuant to s. 112.324.

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

656 (8) (a) An individual required to file a disclosure pursuant
657 to this section may have the disclosure prepared by a certified
658 public accountant licensed in this state. The certified public
659 accountant must attest on the form that he or she prepared the
660 disclosure in accordance with applicable industry standards, if
661 any, and that, upon his or her reasonable knowledge and belief,
662 the disclosure is true and correct. If a complaint is filed
663 alleging a failure to disclose information required by this
664 section, the commission shall determine whether the information
665 was disclosed to the certified public accountant. The failure of
666 the certified public accountant to accurately transcribe



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667 information provided by the individual required to file is not a
668 violation of this section.

669 (b) An elected officer or candidate who chooses to use a
670 certified public accountant to prepare his or her disclosure may
671 pay for the services of the certified public accountant from
672 funds in an office account created pursuant to s. 106.141 or,
673 during a year that the individual qualifies for election to
674 public office, the candidate's campaign depository pursuant to
675 s. 106.021.

676 Section 8. Section 112.31445, Florida Statutes, is created
677 to read:

678 112.31445 Electronic filing system; full and public
679 disclosure of financial interests.—

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

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

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

693 (a) Provide for access through the Internet.

694 (b) Establish a procedure to make filings available in a
695 searchable format that is accessible by an individual using



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696 standard web-browsing software.

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

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

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

707 (f) Address whether additional statutory or rulemaking
708 authority is necessary for implementation of the system, and
709 must include, at a minimum, the following elements: alternate
710 filing procedures to be used in the event that the commission's
711 electronic filing system is inoperable, issuance of an
712 electronic receipt via electronic mail indicating and verifying
713 to the individual who submitted the full and public disclosure
714 of financial interests form that the form has been filed, and a
715 determination of the feasibility and necessity of including
716 statements of financial interests filed pursuant to s. 112.3145
717 in the proposed system.

718 Section 9. Paragraphs (a) and (b) of subsection (1),
719 paragraph (a) of subsection (2), and subsection (3) of section
720 112.3145, Florida Statutes, are amended, present subsection (9)
721 of that section is renumbered as subsection (11), and new
722 subsections (9) and (10) are added to that section, to read:

723 112.3145 Disclosure of financial interests and clients
724 represented before agencies.—



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

727 (a) "Local officer" means:

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

731 2. Any appointed member of any of the following boards,
732 councils, commissions, authorities, or other bodies of any
733 county, municipality, school district, independent special
734 district, or other political subdivision of the state:

735 a. The governing body of the political subdivision, if
736 appointed;

737 ~~b. An expressway authority or transportation authority~~
738 ~~established by general law;~~

739 ~~b.e.~~ A community college or junior college district board
740 of trustees;

741 ~~c.d.~~ A board having the power to enforce local code
742 provisions;

743 ~~d.e.~~ A planning or zoning board, board of adjustment, board
744 of appeals, community redevelopment agency board, or other board
745 having the power to recommend, create, or modify land planning
746 or zoning within the political subdivision, except for citizen
747 advisory committees, technical coordinating committees, and such
748 other groups who only have the power to make recommendations to
749 planning or zoning boards;

750 ~~e.f.~~ A pension board or retirement board having the power
751 to invest pension or retirement funds or the power to make a
752 binding determination of one's entitlement to or amount of a
753 pension or other retirement benefit; or



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

758 3. Any person holding one or more of the following
759 positions: mayor; county or city manager; chief administrative
760 employee of a county, municipality, or other political
761 subdivision; county or municipal attorney; finance director of a
762 county, municipality, or other political subdivision; chief
763 county or municipal building code inspector; county or municipal
764 water resources coordinator; county or municipal pollution
765 control director; county or municipal environmental control
766 director; county or municipal administrator, with power to grant
767 or deny a land development permit; chief of police; fire chief;
768 municipal clerk; district school superintendent; community
769 college president; district medical examiner; or purchasing
770 agent having the authority to make any purchase exceeding the
771 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
772 behalf of any political subdivision of the state or any entity
773 thereof.

774 (b) "Specified state employee" means:

775 1. Public counsel created by chapter 350, an assistant
776 state attorney, an assistant public defender, a criminal
777 conflict and civil regional counsel, an assistant criminal
778 conflict and civil regional counsel, a full-time state employee
779 who serves as counsel or assistant counsel to any state agency,
780 the Deputy Chief Judge of Compensation Claims, a judge of
781 compensation claims, an administrative law judge, or a hearing
782 officer.



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783 2. Any person employed in the office of the Governor or in
784 the office of any member of the Cabinet if that person is exempt
785 from the Career Service System, except persons employed in
786 clerical, secretarial, or similar positions.

787 3. The State Surgeon General or each appointed secretary,
788 assistant secretary, deputy secretary, executive director,
789 assistant executive director, or deputy executive director of
790 each state department, commission, board, or council; unless
791 otherwise provided, the division director, assistant division
792 director, deputy director, bureau chief, and assistant bureau
793 chief of any state department or division; or any person having
794 the power normally conferred upon such persons, by whatever
795 title.

796 4. The superintendent or institute director of a state
797 mental health institute established for training and research in
798 the mental health field or the warden or director of any major
799 state institution or facility established for corrections,
800 training, treatment, or rehabilitation.

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

805 6. Any person, other than a legislative assistant exempted
806 by the presiding officer of the house by which the legislative
807 assistant is employed, who is employed in the legislative branch
808 of government, except persons employed in maintenance, clerical,
809 secretarial, or similar positions.

810 7. Each employee of the Commission on Ethics.

811 (2) (a) A person seeking nomination or election to a state



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812 or local elective office shall file a statement of financial
813 interests together with, and at the same time he or she files,
814 qualifying papers. When a candidate has qualified for office
815 prior to the deadline to file an annual statement of financial
816 interests, the statement of financial interests that is filed
817 with the candidate's qualifying papers shall be deemed to
818 satisfy the annual disclosure requirement of this section. The
819 qualifying officer must record that the statement of financial
820 interests was timely filed. However, if a candidate does not
821 qualify until after the annual statement of financial interests
822 has been filed, the candidate may file a copy of his or her
823 statement with the qualifying officer.

824 (3) The statement of financial interests for state
825 officers, specified state employees, local officers, and persons
826 seeking to qualify as candidates for state or local office shall
827 be filed even if the reporting person holds no financial
828 interests requiring disclosure, in which case the statement
829 shall be marked "not applicable." Otherwise, the statement of
830 financial interests shall include, at the filer's option,
831 either:

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

839 2. All sources of income to a business entity in excess of
840 10 percent of the gross income of a business entity in which the



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841 reporting person held a material interest and from which he or
842 she received an amount which was in excess of 10 percent of his
843 or her gross income during the disclosure period and which
844 exceeds \$1,500. The period for computing the gross income of the
845 business entity is the fiscal year of the business entity which
846 ended on, or immediately prior to, the end of the disclosure
847 period of the person reporting;

848 3. The location or description of real property in this
849 state, except for residences and vacation homes, owned directly
850 or indirectly by the person reporting, when such person owns in
851 excess of 5 percent of the value of such real property, and a
852 general description of any intangible personal property worth in
853 excess of 10 percent of such person's total assets. For the
854 purposes of this paragraph, indirect ownership does not include
855 ownership by a spouse or minor child; and

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

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

865 2. All sources of income to a business entity in excess of
866 10 percent of the gross income of a business entity in which the
867 reporting person held a material interest and from which he or
868 she received gross income exceeding \$5,000 during the disclosure
869 period. The period for computing the gross income of the



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870 business entity is the fiscal year of the business entity which
871 ended on, or immediately prior to, the end of the disclosure
872 period of the person reporting;

873 3. The location or description of real property in this
874 state, except for residence and vacation homes, owned directly
875 or indirectly by the person reporting, when such person owns in
876 excess of 5 percent of the value of such real property, and a
877 general description of any intangible personal property worth in
878 excess of \$10,000. For the purpose of this paragraph, indirect
879 ownership does not include ownership by a spouse or minor child;
880 and

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

882
883 A person filing a statement of financial interests shall
884 indicate on the statement whether he or she is using the method
885 specified in paragraph (a) or paragraph (b) of this subsection.

886 (9) (a) The commission shall treat an amended statement of
887 financial interests that is filed prior to September 1 of the
888 current year as the original filing, regardless of whether a
889 complaint has been filed. If a complaint pertaining to the
890 current year alleges a failure to properly and accurately
891 disclose any information required by this section or if a
892 complaint filed pertaining to a previous reporting period within
893 the preceding 5 years alleges a failure to properly and
894 accurately disclose any information required to be disclosed by
895 this section, the commission may immediately follow complaint
896 procedures in s. 112.324. However, if a complaint filed after
897 August 25 alleges an immaterial, inconsequential, or de minimis
898 error or omission, the commission may not take any action on the



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

905 (b) For purposes of the final statement of financial
906 interests, the commission shall treat a new final statement of
907 financial interests, as the original filing, if filed within 60
908 days of the original filing regardless of whether a complaint
909 has been filed. If, more than 60 days after a final statement of
910 financial interests is filed, a complaint is filed alleging a
911 complete omission of any information required to be disclosed by
912 this section, the commission may immediately follow the
913 complaint procedures in s. 112.324. However, if the complaint
914 alleges an immaterial, inconsequential, or de minimis error or
915 omission, the commission may not take any action on the
916 complaint other than notifying the filer of the complaint. The
917 filer must be given 30 days to file a new final statement of
918 financial interests correcting any errors. If the filer does not
919 file a new final statement of financial interests within 30 days
920 after the commission sends notice of the complaint, the
921 commission may continue with proceedings pursuant to s. 112.324.

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

926 (10) (a) An individual required to file a disclosure
927 pursuant to this section may have the disclosure prepared by a



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928 certified public accountant licensed in this state. The
929 certified public accountant must attest on the form that he or
930 she prepared the disclosure in accordance with applicable
931 industry standards, if any, and that, upon his or her reasonable
932 knowledge and belief, the disclosure is true and correct. If a
933 complaint is filed alleging a failure to disclose information
934 required by this section, the commission shall determine whether
935 the information was disclosed to the certified public
936 accountant. If the certified public accountant had the
937 information, but failed to accurately transcribe it onto the
938 form in the manner required, the filing individual is not in
939 violation of this section.

940 (b) An elected officer or candidate who chooses to use a
941 certified public accountant to prepare his or her disclosure may
942 pay for the services of the certified public accountant from
943 funds in an office account created pursuant to s. 106.141 or,
944 during a year that the individual qualifies for election to
945 public office, the candidate's campaign depository pursuant to
946 s. 106.021.

947 Section 10. Section 112.31455, Florida Statutes, is created
948 to read:

949 112.31455 Collection methods for unpaid automatic fines for
950 failure to timely file disclosure of financial interests.—

951 (1) Before referring any unpaid fine accrued pursuant to s.
952 112.3144(5) or s. 112.3145(6) to the Department of Financial
953 Services, the commission shall attempt to determine whether the
954 individual owing such a fine is a current public officer or
955 current public employee. If so, the commission may notify the
956 Chief Financial Officer or the governing body of the appropriate



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957 county, municipality, or special district of the total amount of
958 any fine owed to the commission by such individual.

959 (a) After receipt and verification of the notice from the
960 commission, the Chief Financial Officer or the governing body of
961 the county, municipality, or special district shall begin
962 withholding the lesser of 10 percent or the maximum amount
963 allowed under federal law from any salary-related payment. The
964 withheld payments shall be remitted to the commission until the
965 fine is satisfied.

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

970 (2) If the commission determines that the individual who is
971 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
972 or s. 112.3145(6) is no longer a public officer or public
973 employee or if the commission is unable to determine whether the
974 individual is a current public officer or public employee, the
975 commission may, 6 months after the order becomes final:

976 (a) Record the final order as a judgment lien against any
977 real or personal property within the state pursuant to chapter
978 55. Upon recording the order imposing the fine with the clerk of
979 the circuit court, the order shall be deemed a judgment for
980 purposes of chapter 55; or

981 (b) Seek garnishment of any wages to satisfy the amount of
982 the fine, or any unpaid portion thereof, pursuant to chapter 77.
983 Upon recording the order imposing the fine with the clerk of the
984 circuit court, the order shall be deemed a judgment for purposes
985 of garnishment pursuant to chapter 77.



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986 (3) If a person holds an interest of \$10,000 or less in a
987 single motor vehicle as defined in s. 320.01, that interest is
988 exempt from the collection methods authorized by this section.

989 (4) The commission may refer unpaid fines to the
990 appropriate collection agency, as directed by the Chief
991 Financial Officer, to utilize any collection methods provided by
992 law. Except as expressly limited by this section, any other
993 collection methods authorized by law are allowed.

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

997 Section 11. Section 112.3147, Florida Statutes, is amended
998 to read:

999 112.3147 Forms.—Except as otherwise provided, all
1000 information required to be furnished by ss. 112.313, 112.3143,
1001 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
1002 of the State Constitution shall be on forms prescribed by the
1003 Commission on Ethics.

1004 Section 12. Paragraph (e) of subsection (2) of section
1005 112.3148, Florida Statutes, is amended and paragraph (f) is
1006 added to that subsection, and subsections (3) through (5) of
1007 that section are amended, to read:

1008 112.3148 Reporting and prohibited receipt of gifts by
1009 individuals filing full or limited public disclosure of
1010 financial interests and by procurement employees.—

1011 (2) As used in this section:

1012 (e) "Procurement employee" means any employee of an
1013 officer, department, board, commission, ~~or~~ council, or agency of
1014 the executive branch or judicial branch of state government who



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1015 has participated in the preceding 12 months ~~participates~~ through
1016 decision, approval, disapproval, recommendation, preparation of
1017 any part of a purchase request, influencing the content of any
1018 specification or procurement standard, rendering of advice,
1019 investigation, or auditing or in any other advisory capacity in
1020 the procurement of contractual services or commodities as
1021 defined in s. 287.012, if the cost of such services or
1022 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
1023 any fiscal year.

1024 (f) "Vendor" means a business entity doing business
1025 directly with an agency, such as renting, leasing, or selling
1026 any realty, goods, or services.

1027 (3) A reporting individual or procurement employee is
1028 prohibited from soliciting any gift from a vendor doing business
1029 with the reporting individual's or procurement employee's agency
1030 or from a political committee or committee of continuous
1031 existence, as defined in s. 106.011, or from a lobbyist who
1032 lobbies the reporting individual's or procurement employee's
1033 agency, or the partner, firm, employer, or principal of such
1034 lobbyist, where such gift is for the personal benefit of the
1035 reporting individual or procurement employee, another reporting
1036 individual or procurement employee, or any member of the
1037 immediate family of a reporting individual or procurement
1038 employee.

1039 (4) A reporting individual or procurement employee or any
1040 other person on his or her behalf is prohibited from knowingly
1041 accepting, directly or indirectly, a gift from a vendor doing
1042 business with the reporting individual's or procurement
1043 employee's agency or from a political committee or committee of



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1044 ~~continuous existence, as defined in s. 106.011, or from a~~
1045 lobbyist who lobbies the reporting individual's or procurement
1046 employee's agency, or directly or indirectly on behalf of the
1047 partner, firm, employer, or principal of a lobbyist, if he or
1048 she knows or reasonably believes that the gift has a value in
1049 excess of \$100; however, such a gift may be accepted by such
1050 person on behalf of a governmental entity or a charitable
1051 organization. If the gift is accepted on behalf of a
1052 governmental entity or charitable organization, the person
1053 receiving the gift shall not maintain custody of the gift for
1054 any period of time beyond that reasonably necessary to arrange
1055 for the transfer of custody and ownership of the gift.

1056 (5) (a) A vendor doing business with the reporting
1057 individual's or procurement employee's agency A political
1058 committee or a committee of continuous existence, as defined in
1059 s. 106.011; a lobbyist who lobbies a reporting individual's or
1060 procurement employee's agency; the partner, firm, employer, or
1061 principal of a lobbyist; or another on behalf of the lobbyist or
1062 partner, firm, principal, or employer of the lobbyist is
1063 prohibited from giving, either directly or indirectly, a gift
1064 that has a value in excess of \$100 to the reporting individual
1065 or procurement employee or any other person on his or her
1066 behalf; however, such person may give a gift having a value in
1067 excess of \$100 to a reporting individual or procurement employee
1068 if the gift is intended to be transferred to a governmental
1069 entity or a charitable organization.

1070 (b) However, a person who is regulated by this subsection,
1071 who is not regulated by subsection (6), and who makes, or
1072 directs another to make, an individual gift having a value in



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1073 excess of \$25, but not in excess of \$100, other than a gift that
1074 the donor knows will be accepted on behalf of a governmental
1075 entity or charitable organization, must file a report on the
1076 last day of each calendar quarter for the previous calendar
1077 quarter in which a reportable gift is made. The report shall be
1078 filed with the Commission on Ethics, except with respect to
1079 gifts to reporting individuals of the legislative branch, in
1080 which case the report shall be filed with the Office of
1081 Legislative Services. The report must contain a description of
1082 each gift, the monetary value thereof, the name and address of
1083 the person making such gift, the name and address of the
1084 recipient of the gift, and the date such gift is given. In
1085 addition, if a gift is made which requires the filing of a
1086 report under this subsection, the donor must notify the intended
1087 recipient at the time the gift is made that the donor, or
1088 another on his or her behalf, will report the gift under this
1089 subsection. Under this paragraph, a gift need not be reported by
1090 more than one person or entity.

1091 Section 13. Section 112.31485, Florida Statutes, is created
1092 to read:

1093 112.31485 Prohibition on gifts involving political
1094 committees and committees of continuous existence.—

1095 (1) (a) For purposes of this section, the term "gift" means
1096 any purchase, payment, distribution, loan, advance, transfer of
1097 funds, or disbursement of money or anything of value that is not
1098 primarily related to contributions, expenditures, or other
1099 political activities authorized pursuant to chapter 106.

1100 (b) For purposes of this section, the term "immediate
1101 family" means any parent, spouse, child, or sibling.



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1102 (2) (a) A reporting individual or procurement employee or a
1103 member of his or her immediate family is prohibited from
1104 soliciting or knowingly accepting, directly or indirectly, any
1105 gift from a political committee or committee of continuous
1106 existence.

1107 (b) A political committee or committee of continuous
1108 existence is prohibited from giving, directly or indirectly, any
1109 gift to a reporting individual or procurement employee or a
1110 member of his or her immediate family.

1111 (3) Any person who violates this section is subject to a
1112 civil penalty equal to three times the amount of the gift. Such
1113 penalty is in addition to the penalties provided in s. 112.317
1114 and shall be paid to the General Revenue Fund of the state. A
1115 reporting individual or procurement employee or a member of his
1116 or her immediate family who violates this section is personally
1117 liable for payment of the treble penalty. Any agent or person
1118 acting on behalf of a political committee or committee of
1119 continuous existence who gives a prohibited gift is personally
1120 liable for payment of the treble penalty.

1121 Section 14. Paragraph (e) of subsection (1) of section
1122 112.3149, Florida Statutes, is amended, and paragraph (f) is
1123 added to that subsection, and subsections (3) and (4) of that
1124 section are amended, to read:

1125 112.3149 Solicitation and disclosure of honoraria.—

1126 (1) As used in this section:

1127 (e) "Procurement employee" means any employee of an
1128 officer, department, board, commission, ~~or~~ council, or agency of
1129 the executive branch or judicial branch of state government who
1130 has participated in the preceding 12 months ~~participates~~ through



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1131 decision, approval, disapproval, recommendation, preparation of
1132 any part of a purchase request, influencing the content of any
1133 specification or procurement standard, rendering of advice,
1134 investigation, or auditing or in any other advisory capacity in
1135 the procurement of contractual services or commodities as
1136 defined in s. 287.012, if the cost of such services or
1137 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1138 (f) "Vendor" means a business entity doing business
1139 directly with an agency, such as renting, leasing, or selling
1140 any realty, goods, or services.

1141 (3) A reporting individual or procurement employee is
1142 prohibited from knowingly accepting an honorarium from a
1143 political committee or committee of continuous existence, as
1144 defined in s. 106.011, from a vendor doing business with the
1145 reporting individual's or procurement employee's agency, from a
1146 lobbyist who lobbies the reporting individual's or procurement
1147 employee's agency, or from the employer, principal, partner, or
1148 firm of such a lobbyist.

1149 (4) A political committee or committee of continuous
1150 existence, as defined in s. 106.011, a vendor doing business
1151 with the reporting individual's or procurement employee's
1152 agency, a lobbyist who lobbies a reporting individual's or
1153 procurement employee's agency, or the employer, principal,
1154 partner, or firm of such a lobbyist is prohibited from giving an
1155 honorarium to a reporting individual or procurement employee.

1156 Section 15. Section 112.317, Florida Statutes, is amended
1157 to read:

1158 112.317 Penalties.—

1159 (1) Any violation of ~~any provision of~~ this part, including,



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1160 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required
1161 by this part or violation of any standard of conduct imposed by
1162 this part, or any violation of ~~any provision of~~ s. 8, Art. II of
1163 the State Constitution, in addition to any criminal penalty or
1164 other civil penalty involved, ~~shall~~, under applicable
1165 constitutional and statutory procedures, constitutes ~~constitute~~
1166 grounds for, and may be punished by, one or more of the
1167 following:

1168 (a) In the case of a public officer:

1169 1. Impeachment.

1170 2. Removal from office.

1171 3. Suspension from office.

1172 4. Public censure and reprimand.

1173 5. Forfeiture of no more than one-third of his or her
1174 salary per month for no more than 12 months.

1175 6. A civil penalty not to exceed \$10,000.

1176 7. Restitution of any pecuniary benefits received because
1177 of the violation committed. The commission may recommend that
1178 the restitution penalty be paid to the agency of which the
1179 public officer was a member or to the General Revenue Fund.

1180 (b) In the case of an employee or a person designated as a
1181 public officer by this part who otherwise would be deemed to be
1182 an employee:

1183 1. Dismissal from employment.

1184 2. Suspension from employment for not more than 90 days
1185 without pay.

1186 3. Demotion.

1187 4. Reduction in his or her salary level.

1188 5. Forfeiture of no more than one-third salary per month



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1189 for no more than 12 months.

1190 6. A civil penalty not to exceed \$10,000.

1191 7. Restitution of any pecuniary benefits received because
1192 of the violation committed. The commission may recommend that
1193 the restitution penalty be paid to the agency by which the
1194 public employee was employed, or of which the officer was deemed
1195 to be an employee, or to the General Revenue Fund.

1196 8. Public censure and reprimand.

1197 (c) In the case of a candidate who violates ~~the provisions~~
1198 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
1199 Constitution:

1200 1. Disqualification from being on the ballot.

1201 2. Public censure.

1202 3. Reprimand.

1203 4. A civil penalty not to exceed \$10,000.

1204 (d) In the case of a former public officer or employee who
1205 has violated a provision applicable to former officers or
1206 employees or whose violation occurred before the officer's or
1207 employee's leaving public office or employment:

1208 1. Public censure and reprimand.

1209 2. A civil penalty not to exceed \$10,000.

1210 3. Restitution of any pecuniary benefits received because
1211 of the violation committed. The commission may recommend that
1212 the restitution penalty be paid to the agency of the public
1213 officer or employee or to the General Revenue Fund.

1214 (e) In the case of a person who is subject to the standards
1215 of this part, other than a lobbyist or lobbying firm under s.
1216 112.3215 for a violation of s. 112.3215, but who is not a public
1217 officer or employee:



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1218 1. Public censure and reprimand.
1219 2. A civil penalty not to exceed \$10,000.
1220 3. Restitution of any pecuniary benefits received because
1221 of the violation committed. The commission may recommend that
1222 the restitution penalty be paid to the agency of the person or
1223 to the General Revenue Fund.
1224 (2) In any case in which the commission finds a violation
1225 of this part or of s. 8, Art. II of the State Constitution and
1226 the proper disciplinary official or body under s. 112.324
1227 imposes a civil penalty or restitution penalty, the Attorney
1228 General shall bring a civil action to recover such penalty. No
1229 defense may be raised in the civil action to enforce the civil
1230 penalty or order of restitution that could have been raised by
1231 judicial review of the administrative findings and
1232 recommendations of the commission by certiorari to the district
1233 court of appeal. The Attorney General shall collect any costs,
1234 attorney's fees, expert witness fees, or other costs of
1235 collection incurred in bringing the action.
1236 (3) The penalties prescribed in this part shall not be
1237 construed to limit or to conflict with:
1238 (a) The power of either house of the Legislature to
1239 discipline its own members or impeach a public officer.
1240 (b) The power of agencies to discipline officers or
1241 employees.
1242 (4) Any violation of this part or of s. 8, Art. II of the
1243 State Constitution by a public officer constitutes ~~shall~~
1244 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1245 office within the meaning of s. 7, Art. IV of the State
1246 Constitution.



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1247 (5) By order of the Governor, upon recommendation of the
1248 commission, any elected municipal officer who violates ~~any~~
1249 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1250 Constitution may be suspended from office and the office filled
1251 by appointment for the period of suspension. The suspended
1252 officer may at any time before removal be reinstated by the
1253 Governor. The Senate may, in proceedings prescribed by law,
1254 remove from office, or reinstate, the suspended official, and
1255 for such purpose the Senate may be convened in special session
1256 by its President or by a majority of its membership.
1257 (6) In any case in which the commission finds probable
1258 cause to believe that a complainant has committed perjury in
1259 regard to any document filed with, or any testimony given
1260 before, the commission, it shall refer such evidence to the
1261 appropriate law enforcement agency for prosecution and taxation
1262 of costs.
1263 (7) In any case in which the commission determines that a
1264 person has filed a complaint against a public officer or
1265 employee with a malicious intent to injure the reputation of
1266 such officer or employee by filing the complaint with knowledge
1267 that the complaint contains one or more false allegations or
1268 with reckless disregard for whether the complaint contains false
1269 allegations of fact material to a violation of this part, the
1270 complainant shall be liable for costs plus reasonable attorney
1271 ~~attorney's~~ fees incurred in the defense of the person complained
1272 against, including the costs and reasonable attorney ~~attorney's~~
1273 fees incurred in proving entitlement to and the amount of costs
1274 and fees. If the complainant fails to pay such costs and fees
1275 voluntarily within 30 days following such finding by the



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1276 commission, the commission shall forward such information to the
1277 Department of Legal Affairs, which shall bring a civil action in
1278 a court of competent jurisdiction to recover the amount of such
1279 costs and fees awarded by the commission.

1280 Section 16. Paragraphs (a) and (c) of subsection (8) and
1281 subsection (10) of section 112.3215, Florida Statutes, are
1282 amended, present subsections (11) through (14) are renumbered as
1283 (12) through (15), respectively, and a new subsection (11) is
1284 added to that section to read:

1285 112.3215 Lobbying before the executive branch or the
1286 Constitution Revision Commission; registration and reporting;
1287 investigation by commission.-

1288 (8) (a) The commission shall investigate every sworn
1289 complaint that is filed with it alleging that a person covered
1290 by this section has failed to register, has failed to submit a
1291 compensation report, has made a prohibited expenditure, or has
1292 knowingly submitted false information in any report or
1293 registration required in this section.

1294 (c) The commission shall investigate any lobbying firm,
1295 lobbyist, principal, agency, officer, or employee upon receipt
1296 of information from a sworn complaint or from a random audit of
1297 lobbying reports indicating a possible violation other than a
1298 late-filed report.

1299 (10) If the Governor and Cabinet finds that a violation
1300 occurred, it may reprimand the violator, censure the violator,
1301 or prohibit the violator from lobbying all agencies for a period
1302 not to exceed 2 years. If the violator is a lobbying firm,
1303 lobbyist, or principal, the Governor and Cabinet may also assess
1304 a fine of not more than \$5,000 to be deposited in the Executive



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1305 Branch Lobby Registration Trust Fund.

1306 (11) Any person who is required to be registered or to
1307 provide information under this section or under rules adopted
1308 pursuant to this section and who knowingly fails to disclose any
1309 material fact that is required by this section or by rules
1310 adopted pursuant to this section, or who knowingly provides
1311 false information on any report required by this section or by
1312 rules adopted pursuant to this section, commits a noncriminal
1313 infraction, punishable by a fine not to exceed \$5,000. Such
1314 penalty is in addition to any other penalty assessed by the
1315 Governor and Cabinet pursuant to subsection (10).

1316 Section 17. Section 112.324, Florida Statutes, is amended
1317 to read:

1318 112.324 Procedures on complaints of violations and
1319 referrals; public records and meeting exemptions.-

1320 (1) Upon a written complaint executed on a form prescribed
1321 by the commission and signed under oath or affirmation by any
1322 person, The commission shall investigate an any alleged
1323 violation of this part or any other alleged breach of the public
1324 trust within the jurisdiction of the commission as provided in
1325 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
1326 ~~procedures set forth herein.~~

1327 (a) Upon a written complaint executed on a form prescribed
1328 by the commission and signed under oath of affirmation by any
1329 person; or

1330 (b) Upon receipt of a written referral of a possible
1331 violation of this part or other possible breach of the public
1332 trust from the Governor, the Department of Law Enforcement, a
1333 state attorney, or a United States Attorney which at least six



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1334 members of the commission determine is sufficient to indicate a
1335 violation of this part or any other breach of the public trust.

1336
1337 Within 5 days after receipt of a complaint by the commission or
1338 a determination by at least six members of the commission that
1339 the referral received is deemed sufficient, a copy shall be
1340 transmitted to the alleged violator.

1341 (2) (a) The complaint and records relating to the complaint
1342 or to any preliminary investigation held by the commission or
1343 its agents, by a Commission on Ethics and Public Trust
1344 established by any county defined in s. 125.011(1) or by any
1345 municipality defined in s. 165.031, or by any county or
1346 municipality that has established a local investigatory process
1347 to enforce more stringent standards of conduct and disclosure
1348 requirements as provided in s. 112.326 are confidential and
1349 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1350 of the State Constitution.

1351 (b) Any proceeding conducted by the commission, a
1352 Commission on Ethics and Public Trust, or a county or
1353 municipality that has established such local investigatory
1354 process, pursuant to a complaint or preliminary investigation,
1355 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1356 the State Constitution, and s. 120.525.

1357 (c) The exemptions in paragraphs (a) and (b) apply until
1358 the complaint is dismissed as legally insufficient, until the
1359 alleged violator requests in writing that such records and
1360 proceedings be made public, or until the commission, a
1361 Commission on Ethics and Public Trust, or a county or
1362 municipality that has established such local investigatory



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1363 process determines, based on such investigation, whether
1364 probable cause exists to believe that a violation has occurred.
1365 ~~In no event shall~~ A complaint or referral under this part
1366 against a candidate in any general, special, or primary election
1367 may not be filed nor may ~~or~~ any intention of filing such a
1368 complaint or referral be disclosed on the day of any such
1369 election or within the 30 ~~5~~ days immediately preceding the date
1370 of the election, unless the complaint or referral is based upon
1371 personal information or information other than hearsay.

1372 (d) This subsection is subject to the Open Government
1373 Sunset Review Act in accordance with s. 119.15 and shall stand
1374 repealed on October 2, 2015, unless reviewed and saved from
1375 repeal through reenactment by the Legislature.

1376 (3) A preliminary investigation shall be undertaken by the
1377 commission of each legally sufficient complaint or referral over
1378 which the commission has jurisdiction to determine whether there
1379 is probable cause to believe that a violation has occurred. If,
1380 upon completion of the preliminary investigation, the commission
1381 finds no probable cause to believe that this part has been
1382 violated or that any other breach of the public trust has been
1383 committed, the commission shall dismiss the complaint or
1384 referral with the issuance of a public report to the complainant
1385 and the alleged violator, stating with particularity its reasons
1386 for dismissal ~~of the complaint~~. At that time, the complaint or
1387 referral and all materials relating to the complaint or referral
1388 shall become a matter of public record. If the commission finds
1389 from the preliminary investigation probable cause to believe
1390 that this part has been violated or that any other breach of the
1391 public trust has been committed, it shall so notify the



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1392 complainant and the alleged violator in writing. Such
1393 notification and all documents made or received in the
1394 disposition of the complaint or referral shall then become
1395 public records. Upon request submitted to the commission in
1396 writing, any person who the commission finds probable cause to
1397 believe has violated any provision of this part or has committed
1398 any other breach of the public trust shall be entitled to a
1399 public hearing. Such person shall be deemed to have waived the
1400 right to a public hearing if the request is not received within
1401 14 days following the mailing of the probable cause notification
1402 required by this subsection. However, the commission may on its
1403 own motion, require a public hearing, may conduct such further
1404 investigation as it deems necessary, and may enter into such
1405 stipulations and settlements as it finds to be just and in the
1406 best interest of the state. The commission is without
1407 jurisdiction to, and no respondent may voluntarily or
1408 involuntarily, enter into a stipulation or settlement which
1409 imposes any penalty, including, but not limited to, a sanction
1410 or admonition or any other penalty contained in s. 112.317.
1411 Penalties shall be imposed only by the appropriate disciplinary
1412 authority as designated in this section.

1413 (4) If, in cases pertaining to members of the Legislature,
1414 upon completion of a full and final investigation by the
1415 commission, the commission finds that there has been a violation
1416 of this part or of any provision of s. 8, Art. II of the State
1417 Constitution, the commission shall forward a copy of the
1418 complaint or referral and its findings by certified mail to the
1419 President of the Senate or the Speaker of the House of
1420 Representatives, whichever is applicable, who shall refer the



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1421 complaint or referral to the appropriate committee for
1422 investigation and action which shall be governed by the rules of
1423 its respective house. It ~~is shall be~~ the duty of the committee
1424 to report its final action upon the matter ~~complaint~~ to the
1425 commission within 90 days of the date of transmittal to the
1426 respective house. Upon request of the committee, the commission
1427 shall submit a recommendation as to what penalty, if any, should
1428 be imposed. In the case of a member of the Legislature, the
1429 house in which the member serves ~~has shall have~~ the power to
1430 invoke the penalty provisions of this part.

1431 (5) If, in cases ~~pertaining to complaints~~ against
1432 impeachable officers, upon completion of a full and final
1433 investigation by the commission, the commission finds that there
1434 has been a violation of this part or of any provision of s. 8,
1435 Art. II of the State Constitution, and the commission finds that
1436 the violation may constitute grounds for impeachment, the
1437 commission shall forward a copy of the complaint or referral and
1438 its findings by certified mail to the Speaker of the House of
1439 Representatives, who shall refer the complaint or referral to
1440 the appropriate committee for investigation and action which
1441 shall be governed by the rules of the House of Representatives.
1442 It ~~is shall be~~ the duty of the committee to report its final
1443 action upon the matter ~~complaint~~ to the commission within 90
1444 days of the date of transmittal.

1445 (6) If the commission finds that there has been a violation
1446 of this part or of any provision of s. 8, Art. II of the State
1447 Constitution by an impeachable officer other than the Governor,
1448 and the commission recommends public censure and reprimand,
1449 forfeiture of a portion of the officer's salary, a civil



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1450 penalty, or restitution, the commission shall report its
1451 findings and recommendation of disciplinary action to the
1452 Governor, who ~~has shall have~~ the power to invoke the penalty
1453 provisions of this part.

1454 (7) If the commission finds that there has been a violation
1455 of this part or of any provision of s. 8, Art. II of the State
1456 Constitution by the Governor, and the commission recommends
1457 public censure and reprimand, forfeiture of a portion of the
1458 Governor's salary, a civil penalty, or restitution, the
1459 commission shall report its findings and recommendation of
1460 disciplinary action to the Attorney General, who shall have the
1461 power to invoke the penalty provisions of this part.

1462 (8) If, in cases ~~pertaining to complaints~~ other than
1463 complaints or referrals against impeachable officers or members
1464 of the Legislature, upon completion of a full and final
1465 investigation by the commission, the commission finds that there
1466 has been a violation of this part or of s. 8, Art. II of the
1467 State Constitution, it ~~is shall be~~ the duty of the commission to
1468 report its findings and recommend appropriate action to the
1469 proper disciplinary official or body as follows, and such
1470 official or body ~~has shall have~~ the power to invoke the penalty
1471 provisions of this part, including the power to order the
1472 appropriate elections official to remove a candidate from the
1473 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1474 II of the State Constitution:

1475 (a) The President of the Senate and the Speaker of the
1476 House of Representatives, jointly, in any case concerning the
1477 Public Counsel, members of the Public Service Commission,
1478 members of the Public Service Commission Nominating Council, the



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1479 Auditor General, or the director of the Office of Program Policy
1480 Analysis and Government Accountability.

1481 (b) The Supreme Court, in any case concerning an employee
1482 of the judicial branch.

1483 (c) The President of the Senate, in any case concerning an
1484 employee of the Senate; the Speaker of the House of
1485 Representatives, in any case concerning an employee of the House
1486 of Representatives; or the President and the Speaker, jointly,
1487 in any case concerning an employee of a committee of the
1488 Legislature whose members are appointed solely by the President
1489 and the Speaker or in any case concerning an employee of the
1490 Public Counsel, Public Service Commission, Auditor General, or
1491 Office of Program Policy Analysis and Government Accountability.

1492 (d) Except as otherwise provided by this part, the
1493 Governor, in the case of any other public officer, public
1494 employee, former public officer or public employee, candidate or
1495 former candidate, or person who is not a public officer or
1496 employee, other than lobbyists and lobbying firms under s.
1497 112.3215 for violations of s. 112.3215.

1498 (e) The President of the Senate or the Speaker of the House
1499 of Representatives, whichever is applicable, in any case
1500 concerning a former member of the Legislature who has violated a
1501 provision applicable to former members or whose violation
1502 occurred while a member of the Legislature.

1503 (9) In addition to reporting its findings to the proper
1504 disciplinary body or official, the commission shall report these
1505 findings to the state attorney or any other appropriate official
1506 or agency having authority to initiate prosecution when
1507 violation of criminal law is indicated.



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1508 (10) Notwithstanding the foregoing procedures of this
1509 section, a sworn complaint against any member or employee of the
1510 Commission on Ethics for violation of this part or of s. 8, Art.
1511 II of the State Constitution shall be filed with the President
1512 of the Senate and the Speaker of the House of Representatives.
1513 Each presiding officer shall, after determining that there are
1514 sufficient grounds for review, appoint three members of their
1515 respective bodies to a special joint committee who shall
1516 investigate the complaint. The members shall elect a chair from
1517 among their number. If the special joint committee finds
1518 insufficient evidence to establish probable cause to believe a
1519 violation of this part or of s. 8, Art. II of the State
1520 Constitution has occurred, it shall dismiss the complaint. If,
1521 upon completion of its preliminary investigation, the committee
1522 finds sufficient evidence to establish probable cause to believe
1523 a violation has occurred, the chair thereof shall transmit such
1524 findings to the Governor who shall convene a meeting of the
1525 Governor, the President of the Senate, the Speaker of the House
1526 of Representatives, and the Chief Justice of the Supreme Court
1527 to take such final action on the complaint as they shall deem
1528 appropriate, consistent with the penalty provisions of this
1529 part. Upon request of a majority of the Governor, the President
1530 of the Senate, the Speaker of the House of Representatives, and
1531 the Chief Justice of the Supreme Court, the special joint
1532 committee shall submit a recommendation as to what penalty, if
1533 any, should be imposed.

1534 (11) (a) Notwithstanding subsections (1)-(8), the commission
1535 shall dismiss any complaint or referral at any stage of
1536 disposition should it determine that the violation that is



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1537 alleged or has occurred is a de minimis violation attributable
1538 to inadvertent or unintentional error. In determining whether a
1539 violation was de minimis, the commission shall consider whether
1540 the interests of the public were protected despite the
1541 violation. This subsection does not apply to complaints or
1542 referrals pursuant to ss. 112.3144 and 112.3145.

1543 (b) For the purposes of this subsection, a de minimis
1544 violation is any violation that is unintentional and not
1545 material in nature.

1546 (12)-(11) Notwithstanding the provisions of subsections (1)-
1547 (8), the commission may, at its discretion, dismiss any
1548 complaint or referral at any stage of disposition should it
1549 determine that the public interest would not be served by
1550 proceeding further, in which case the commission shall issue a
1551 public report stating with particularity its reasons for the
1552 dismissal.

1553 Section 18. For the purpose of incorporating the amendment
1554 made by this act to section 112.3143, Florida Statutes, in a
1555 reference thereto, subsection (1) of section 120.665, Florida
1556 Statutes, is reenacted to read:

1557 120.665 Disqualification of agency personnel.—

1558 (1) Notwithstanding the provisions of s. 112.3143, any
1559 individual serving alone or with others as an agency head may be
1560 disqualified from serving in an agency proceeding for bias,
1561 prejudice, or interest when any party to the agency proceeding
1562 shows just cause by a suggestion filed within a reasonable
1563 period of time prior to the agency proceeding. If the
1564 disqualified individual was appointed, the appointing power may
1565 appoint a substitute to serve in the matter from which the



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1566 individual is disqualified. If the individual is an elected
1567 official, the Governor may appoint a substitute to serve in the
1568 matter from which the individual is disqualified. However, if a
1569 quorum remains after the individual is disqualified, it shall
1570 not be necessary to appoint a substitute.

1571 Section 19. For the purpose of incorporating the amendment
1572 made by this act to section 112.3143, Florida Statutes, in a
1573 reference thereto, section 286.012, Florida Statutes, is
1574 reenacted to read:

1575 286.012 Voting requirement at meetings of governmental
1576 bodies.—No member of any state, county, or municipal
1577 governmental board, commission, or agency who is present at any
1578 meeting of any such body at which an official decision, ruling,
1579 or other official act is to be taken or adopted may abstain from
1580 voting in regard to any such decision, ruling, or act; and a
1581 vote shall be recorded or counted for each such member present,
1582 except when, with respect to any such member, there is, or
1583 appears to be, a possible conflict of interest under the
1584 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1585 cases, said member shall comply with the disclosure requirements
1586 of s. 112.3143.

1587 Section 20. For the purpose of incorporating the amendment
1588 made by this act to section 112.324, Florida Statutes, in a
1589 reference thereto, section 287.175, Florida Statutes, is
1590 reenacted to read:

1591 287.175 Penalties.—A violation of this part or a rule
1592 adopted hereunder, pursuant to applicable constitutional and
1593 statutory procedures, constitutes misuse of public position as
1594 defined in s. 112.313(6), and is punishable as provided in s.



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1595 112.317. The Chief Financial Officer shall report incidents of
1596 suspected misuse to the Commission on Ethics, and the commission
1597 shall investigate possible violations of this part or rules
1598 adopted hereunder when reported by the Chief Financial Officer,
1599 notwithstanding the provisions of s. 112.324. Any violation of
1600 this part or a rule adopted hereunder shall be presumed to have
1601 been committed with wrongful intent, but such presumption is
1602 rebuttable. Nothing in this section is intended to deny rights
1603 provided to career service employees by s. 110.227.

1604 Section 21. Paragraph (c) of subsection (1) of section
1605 288.901, Florida Statutes, is amended to read:

1606 288.901 Enterprise Florida, Inc.—

1607 (1) CREATION.—

1608 (c) The Legislature determines that it is in the public
1609 interest for the members of Enterprise Florida, Inc., board of
1610 directors to be subject to the requirements of ss. 112.3135,
1611 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1612 notwithstanding the fact that the board members are not public
1613 officers or employees. For purposes of those sections, the board
1614 members shall be considered to be public officers or employees.
1615 The exemption set forth in s. 112.313(12) for advisory boards
1616 applies to the members of Enterprise Florida, Inc., board of
1617 directors. Further, each member of the board of directors who is
1618 not otherwise required to file financial disclosures pursuant to
1619 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1620 file disclosure of financial interests pursuant to s. 112.3145.

1621 Section 22. Subsection (1) of section 445.007, Florida
1622 Statutes, is reenacted for the purpose of incorporating the
1623 amendment made by this act to section 112.3143, Florida



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1624 Statutes, in a reference thereto, and subsection (11) of that
1625 section is amended, to read:
1626 445.007 Regional workforce boards.—
1627 (1) One regional workforce board shall be appointed in each
1628 designated service delivery area and shall serve as the local
1629 workforce investment board pursuant to Pub. L. No. 105-220. The
1630 membership of the board shall be consistent with Pub. L. No.
1631 105-220, Title I, s. 117(b) but may not exceed the minimum
1632 membership required in Pub. L. No. 105-220, Title I, s.
1633 117(b)(2)(A) and in this subsection. Upon approval by the
1634 Governor, the chief elected official may appoint additional
1635 members above the limit set by this subsection. If a public
1636 education or training provider is represented on the board, a
1637 representative of a private nonprofit provider and a
1638 representative of a private for-profit provider must also be
1639 appointed to the board. The board shall include one nonvoting
1640 representative from a military installation if a military
1641 installation is located within the region and the appropriate
1642 military command or organization authorizes such representation.
1643 It is the intent of the Legislature that membership of a
1644 regional workforce board include persons who are current or
1645 former recipients of welfare transition assistance as defined in
1646 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1647 or that such persons be included as ex officio members of the
1648 board or of committees organized by the board. The importance of
1649 minority and gender representation shall be considered when
1650 making appointments to the board. The board, its committees,
1651 subcommittees, and subdivisions, and other units of the
1652 workforce system, including units that may consist in whole or



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1653 in part of local governmental units, may use any method of
1654 telecommunications to conduct meetings, including establishing a
1655 quorum through telecommunications, provided that the public is
1656 given proper notice of the telecommunications meeting and
1657 reasonable access to observe and, when appropriate, participate.
1658 Regional workforce boards are subject to chapters 119 and 286
1659 and s. 24, Art. I of the State Constitution. If the regional
1660 workforce board enters into a contract with an organization or
1661 individual represented on the board of directors, the contract
1662 must be approved by a two-thirds vote of the board, a quorum
1663 having been established, and the board member who could benefit
1664 financially from the transaction must abstain from voting on the
1665 contract. A board member must disclose any such conflict in a
1666 manner that is consistent with the procedures outlined in s.
1667 112.3143. Each member of a regional workforce board who is not
1668 otherwise required to file a full and public disclosure of
1669 financial interests pursuant to s. 8, Art. II of the State
1670 Constitution or s. 112.3144 shall file a statement of financial
1671 interests pursuant to s. 112.3145. The executive director or
1672 designated person responsible for the operational and
1673 administrative functions of the regional workforce board who is
1674 not otherwise required to file a full and public disclosure of
1675 financial interests pursuant to s. 8, Art. II of the State
1676 Constitution or s. 112.3144 shall file a statement of financial
1677 interests pursuant to s. 112.3145.
1678 (11) To increase transparency and accountability, a
1679 regional workforce board must comply with the requirements of
1680 this section before contracting with a member of the board or a
1681 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a



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1682 board member or of an employee of the board. Such contracts may
1683 not be executed before or without the approval of Workforce
1684 Florida, Inc. Such contracts, as well as documentation
1685 demonstrating adherence to this section as specified by
1686 Workforce Florida, Inc., must be submitted to the Department of
1687 Economic Opportunity for review and recommendation according to
1688 criteria to be determined by Workforce Florida, Inc. Such a
1689 contract must be approved by a two-thirds vote of the board, a
1690 quorum having been established; all conflicts of interest must
1691 be disclosed before the vote; and any member who may benefit
1692 from the contract, or whose relative may benefit from the
1693 contract, must abstain from the vote. A contract under \$25,000
1694 between a regional workforce board and a member of that board or
1695 between a relative, as defined in s. 112.3143(1)(c)
1696 ~~112.3143(1)(b)~~, of a board member or of an employee of the board
1697 is not required to have the prior approval of Workforce Florida,
1698 Inc., but must be approved by a two-thirds vote of the board, a
1699 quorum having been established, and must be reported to the
1700 Department of Economic Opportunity and Workforce Florida, Inc.,
1701 within 30 days after approval. If a contract cannot be approved
1702 by Workforce Florida, Inc., a review of the decision to
1703 disapprove the contract may be requested by the regional
1704 workforce board or other parties to the disapproved contract.

1705 Section 23. For the purpose of incorporating the amendment
1706 made by this act to section 112.3143, Florida Statutes, in a
1707 reference thereto, paragraph (m) of subsection (5) of section
1708 627.311, Florida Statutes, is reenacted to read:

1709 627.311 Joint underwriters and joint reinsurers; public
1710 records and public meetings exemptions.—



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1711 (5)
1712 (m) Senior managers and officers, as defined in the plan of
1713 operation, and members of the board of governors are subject to
1714 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1715 112.316, and 112.317. Senior managers, officers, and board
1716 members are also required to file such disclosures with the
1717 Commission on Ethics and the Office of Insurance Regulation. The
1718 executive director of the plan or his or her designee shall
1719 notify each newly appointed and existing appointed member of the
1720 board of governors, senior manager, and officer of his or her
1721 duty to comply with the reporting requirements of s. 112.3145.
1722 At least quarterly, the executive director of the plan or his or
1723 her designee shall submit to the Commission on Ethics a list of
1724 names of the senior managers, officers, and members of the board
1725 of governors who are subject to the public disclosure
1726 requirements under s. 112.3145. Notwithstanding s. 112.313, an
1727 employee, officer, owner, or director of an insurance agency,
1728 insurance company, or other insurance entity may be a member of
1729 the board of governors unless such employee, officer, owner, or
1730 director of an insurance agency, insurance company, other
1731 insurance entity, or an affiliate provides policy issuance,
1732 policy administration, underwriting, claims handling, or payroll
1733 audit services. Notwithstanding s. 112.3143, such board member
1734 may not participate in or vote on a matter if the insurance
1735 agency, insurance company, or other insurance entity would
1736 obtain a special or unique benefit that would not apply to other
1737 similarly situated insurance entities.

1738 Section 24. For the purpose of incorporating the amendment
1739 made to this act to section 112.3143, Florida Statutes, in a



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1740 reference thereto, paragraph (d) of subsection (6) of section
1741 627.351, Florida Statutes, is reenacted to read:

1742 627.351 Insurance risk apportionment plans.—

1743 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1744 (d)1. All prospective employees for senior management
1745 positions, as defined by the plan of operation, are subject to
1746 background checks as a prerequisite for employment. The office
1747 shall conduct the background checks pursuant to ss. 624.34,
1748 624.404(3), and 628.261.

1749 2. On or before July 1 of each year, employees of the
1750 corporation must sign and submit a statement attesting that they
1751 do not have a conflict of interest, as defined in part III of
1752 chapter 112. As a condition of employment, all prospective
1753 employees must sign and submit to the corporation a conflict-of-
1754 interest statement.

1755 3. Senior managers and members of the board of governors
1756 are subject to part III of chapter 112, including, but not
1757 limited to, the code of ethics and public disclosure and
1758 reporting of financial interests, pursuant to s. 112.3145.
1759 Notwithstanding s. 112.3143(2), a board member may not vote on
1760 any measure that would inure to his or her special private gain
1761 or loss; that he or she knows would inure to the special private
1762 gain or loss of any principal by whom he or she is retained or
1763 to the parent organization or subsidiary of a corporate
1764 principal by which he or she is retained, other than an agency
1765 as defined in s. 112.312; or that he or she knows would inure to
1766 the special private gain or loss of a relative or business
1767 associate of the public officer. Before the vote is taken, such
1768 member shall publicly state to the assembly the nature of his or



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1769 her interest in the matter from which he or she is abstaining
1770 from voting and, within 15 days after the vote occurs, disclose
1771 the nature of his or her interest as a public record in a
1772 memorandum filed with the person responsible for recording the
1773 minutes of the meeting, who shall incorporate the memorandum in
1774 the minutes. Senior managers and board members are also required
1775 to file such disclosures with the Commission on Ethics and the
1776 Office of Insurance Regulation. The executive director of the
1777 corporation or his or her designee shall notify each existing
1778 and newly appointed member of the board of governors and senior
1779 managers of their duty to comply with the reporting requirements
1780 of part III of chapter 112. At least quarterly, the executive
1781 director or his or her designee shall submit to the Commission
1782 on Ethics a list of names of the senior managers and members of
1783 the board of governors who are subject to the public disclosure
1784 requirements under s. 112.3145.

1785 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1786 provision of law, an employee or board member may not knowingly
1787 accept, directly or indirectly, any gift or expenditure from a
1788 person or entity, or an employee or representative of such
1789 person or entity, which has a contractual relationship with the
1790 corporation or who is under consideration for a contract. An
1791 employee or board member who fails to comply with subparagraph
1792 3. or this subparagraph is subject to penalties provided under
1793 ss. 112.317 and 112.3173.

1794 5. Any senior manager of the corporation who is employed on
1795 or after January 1, 2007, regardless of the date of hire, who
1796 subsequently retires or terminates employment is prohibited from
1797 representing another person or entity before the corporation for



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1798 2 years after retirement or termination of employment from the
1799 corporation.

1800 6. Any senior manager of the corporation who is employed on
1801 or after January 1, 2007, regardless of the date of hire, who
1802 subsequently retires or terminates employment is prohibited from
1803 having any employment or contractual relationship for 2 years
1804 with an insurer that has entered into a take-out bonus agreement
1805 with the corporation.

1806 Section 25. This act shall take effect upon becoming a law.

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 Rules

BILL: SB 2

INTRODUCER: Ethics and Elections Committee and Senator Latvala and others

SUBJECT: Ethics

DATE: February 11, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts		ee SPB 7006 as introduced
2.	Anderson	Yeatman	CA	Fav/2 amendments
3.	Carlton	Phelps	RC	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

Senate Bill 2 is a comprehensive ethics reform bill which allows filers to use a certified public accountant (CPA) to prepare financial disclosure filings. The bill provides a “safe harbor” when errors are made by a CPA who was provided the necessary information to prepare the financial disclosure filing. Senate Bill 2 allows the Commission on Ethics (Commission) to collect unpaid financial disclosure fines by garnishment of wages and by authorizing the Commission to obtain a lien on the filer’s real property. The bill creates a procedure for curing erroneous financial disclosure fines prior to September 1. A procedure is created to permit a filer to cure a filing that is the subject of a complaint, for a period of thirty days after the complaint has been filed if the alleged violation is de minimis in nature. The bill requires a qualifying officer to forward the financial disclosure form of any candidate who qualifies for election prior to filing his or her financial disclosure to the Commission. If the candidate qualifies after he or she files annual financial disclosure, the candidate is permitted to file a copy of his or her financial disclosure form with the qualifying officer. All filers who file financial disclosure must designate whether the filer is using the dollar value threshold or the comparative (percentage) threshold to determine whether an interest is required to be disclosed. Finally, the bill creates a grace period to file a new final financial disclosure form to correct any errors on the original filing; and, it provides a thirty day period in which to cure de minimis violations when a complaint is filed

concerning a final financial disclosure filing. The bill extends the statute of limitations to collect an unpaid financial disclosure fine from four years to twenty years.

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

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

Senate Bill 2 clarifies that only those who have the authority to purchase more than \$10,000 in a year are “procurement employees.” The bill also prohibits reporting individuals from soliciting a gift or honoraria, from accepting any honoraria, or from accepting a gift in excess of \$100 from a “vendor.” The bill defines the term “vendor.” For any gift from a vendor that is valued between \$25 and \$100, the vendor is required to report any gifts to reporting individuals or procurement employees on a quarterly basis.

Senate Bill 2 prohibits a reporting individual or procurement employee from soliciting or accepting a gift from a committee of continuous existence or a political committee.

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

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

The bill expands the lobbying prohibition applicable to former members of the Legislature by prohibiting former members from lobbying any agency for a period of two years after leaving the Legislature. It also prohibits a former member from accepting any position as a partner, principal, or employee of a firm or entity for the purpose of drafting, strategizing, consulting, advising or in any way working on matters that will come before the Legislature, or to provide networking or relationship building services with sitting members of the Legislature. If an opinion is not sought prior to such employment or association, it is presumed that the employment or association is prohibited.

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

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

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 112.312, 112.3125, 112.313, 112.3142, 112.31425, 112.3143, 112.3144, 112.31445, 112.3145, 112.31455, 112.3147, 112.3148, 112.31485, 112.3149, and 112.324.

II. Present Situation:

Financial Disclosure

Currently, all elected constitutional officers and candidates for such offices are required by Art. II, s. 8 of the State Constitution, to file a full and public disclosure of their financial interests (CE Form 6) annually. The annual full and public disclosure is also required of all statewide elected officers and any other officers, candidates, and employees as determined by law. Additionally, other local officers, state employees, and local employees are required to file an annual statement of financial interests (CE Form 1).¹ The Commission has promulgated forms by

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

which a filer may amend his or her full public disclosure of financial interests (CE Form 6X) or statement of financial interests (CE Form 1X). The Commission has also promulgated disclosure forms required of a public officer or employee upon leaving office or public employment. Those forms are the final full and public disclosure of financial interests (CE Form 6F) and the final statement of financial interests (CE Form 1F). There is no specific form by which to amend a final full and public disclosure of financial interests or a final statement of financial interests. Currently, the financial disclosure requirements are contained in s. 112.3144, F.S., and s. 112.3145, F.S.

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

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

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

Gifts and Honoraria

Gifts to public officers and employees are regulated pursuant to s. 112.3148, F.S. “Gift” is defined in s. 112.312(9), F.S., and encompasses nearly anything of value. Under s. 112.3148, F.S., a reporting individual or procurement employee (“RIPE”) is prohibited from soliciting any gift from a political committee, committee of continuous existence, a lobbyist, or an employer, principal, partner or a firm of a lobbyist. A “reporting individual” is anyone who is required to file financial disclosure, including candidates. A “procurement employee” is an employee of an officer, department, board, commission, or council of the executive or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds \$1,000 in any year.

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

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

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

Gifts from Certain Political Committees

Committees of continuous existence and political committees are statutory entities authorized in s. 106.04, F.S., and s. 106.03, F.S., respectively, to engage in certain political activities. Currently, s. 112.3148, F.S., prohibits a reporting individual or procurement employee from soliciting a “gift” from a committee of continuous existence or a political committee. “Gift” is

defined in s. 112.312(9), F.S., and encompasses nearly anything of value. However, there are some items in that definition which are specifically excluded from the definition of “gift,” the most significant of which is a campaign contribution or expenditure regulated by Chapter 106 and/or federal law.² Current law also prohibits a reporting individual or procurement employee from accepting anything over \$100 in value. If a reporting individual or procurement employee accepts a “gift” valued less than \$100, but greater than \$25, the committee of continuous existence or political committee must disclose the gift by filing a CE Form 30 with the Florida Commission on Ethics.

Blind Trusts

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

State Public Officer Voting Conflicts

Under s. 112.3143(2), F.S., *no state public officer is prohibited from voting in an official capacity on any matter*. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting.

Complaints Against Candidates

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

Initiation of Investigations

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

² Section 112.313(12)(b)2, F.S.

dismissing the complaint together with the complaint itself and all related documents become public record.

If the Executive Director determines that the complaint is sufficient to invoke the jurisdiction of the Commission, the Executive Director orders the complaint to be investigated. After the Executive Director orders the complaint to be investigated, it is assigned to a neutral investigator for investigation consistent with the Commission's rules. After the investigation is completed the Commission reviews the complaint to determine whether probable cause exists to find a violation of the Code of Ethics. If the Commission determines that probable cause does not exist, the complaint is dismissed and all records become open to the public. If the Commission determines that probable cause exists, the complaint, files, and any further proceedings become public record. The subject of any complaint may waive confidentiality of the complaint against him or her at any time during the proceedings. If confidentiality is waived, all records are open to the public and any proceedings will be conducted in the public session of the Commission.

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

Ethics Training

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

Legislative Revolving Door Policies

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

Dual Public Employment

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

“Executive Branch Expenditure Ban”

The “Executive Branch Expenditure Ban” is located in s. 112.3215, F.S. The executive ban is the sister provision to the “Legislative Branch Expenditure Ban” in s. 11.045, F.S. The “Executive Branch Expenditure Ban” requires individuals to register with the Commission on ethics prior to

engaging in lobbying the executive branch. Each lobbying firm is required to make certain disclosures and is required to maintain records corroborating those disclosures.³

Under “Executive Branch Expenditure Ban,” an official, member, or employee of the executive branch is prohibited from soliciting or accepting, directly or indirectly, an expenditure from a lobbyist or principal.⁴ For purposes of this prohibition, the term “expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term “expenditure” does not include contributions or expenditures reported pursuant to chapter 106, F.S., or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

III. Effect of Proposed Changes:

Financial Disclosure

Public Accessibility (Section 8)

The bill creates s. 112.31445, F.S., which requires the Commission to scan all CE Form 6 filers and make them available in an online searchable database beginning with the 2012 filing year. The bill requires the Commission, by December 1, 2015, to prepare a proposal for submission to the President of the Senate and the Speaker of the House for the creation of an online financial disclosure filings system. The system would be similar to the system used by candidates, political committees, and others pursuant to Chapter 106 of the Florida Statutes. At a minimum, the proposal must:

- Mandate online filing system for CE Form 6 filers;
- Provide a secure method that prevents unauthorized access to electronic filing system functions;
- Permit the filer, or his or her CPA, to file via the internet portal;
- Require that the filings in the database be accessible to the public;
- Describe any necessary statutory or rule authority changes;
- Provide for an alternative filing method in case the filing system is inoperable; and
- Provide for a receipt to be obtained verifying that the officer has filed his or her form.

Collection Tools (Sections 7 and 9)

The bill gives the Commission greater ability to collect financial disclosure fines. Specifically, the bill amends ss. 112.3144 and 112.3145, F.S., to increase the statute of limitations for the Commission to collect unpaid financial disclosure fines from four years to twenty years. The bill creates s. 112.31455, F.S., which gives the Commission new tools to collect unpaid financial disclosure fines. That Section requires the Commission to determine whether the person who

³ Section 112.3215(5), F.S.

⁴ Section 112.3215(6)(a), F.S.

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

De Minimis Exception Procedures (Sections 7 and 9)

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

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

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

Preparation of Forms by a CPA/Safe Harbor (Sections 7 and 9)

Senate Bill 2 amends ss. 112.3144 and 112.3145, F.S., to permit all filers to use a CPA to prepare their financial disclosure forms for filing. The bill requires the CPA to attest that he or she prepared the form in accordance with applicable industry standards, if any, and that the form is true and correct to the best of his or her knowledge. If a complaint is filed alleging a failure to disclose anything required to be disclosed, the Commission must determine whether the CPA

was aware of the interest. If he or she was aware of the interest, but failed to disclose the interest, the officer cannot be held in violation for failure to disclose the item. The bill also amends ss. 112.3144 and 112.3145, F.S., to permit a candidate or elected officeholder to pay for the costs of the CPA from a campaign account created pursuant to s. 106.11, F.S., during the year that the individual qualifies for election to public office, or from his or her office account created pursuant to s. 106.141, F.S.

Candidate Qualifying Financial Disclosures (Sections 7 and 9)

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

CE Form 1 Filing Requirements (Section 9)

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

The bill requires the following to file a statement of financial interests (CE Form 1) pursuant to s. 112.3145, F.S.:

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

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

Gifts and Honoraria (Sections 12 and 14)

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

The bill also incorporates a recommendation of the Commission and the Nineteenth Statewide Grand Jury that reporting individuals or procurement employees be prohibited from soliciting any gift or honoraria, accepting any gift in excess of \$100, or accepting any honoraria from a

⁵ Ch. 2009-85, *Laws of Florida*.

“vendor.” A “vendor” is any business entity that is doing business directly with an agency, such as renting, leasing, or selling any realty, goods or services.

Gifts from Certain Political Committees (Section 13)

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

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

Blind Trusts (Section 5)

Senate Bill 2 creates s. 112.31425, F.S., permitting public officers to create a blind trust and place their assets into the trust. When a public officer places assets into a blind trust, the public officer gives the trustee the authority to dispose of the assets and the public officer must not attempt to influence or exert control over decisions regarding the management of the trust. However, the public officer may make requests for distributions, communicate with the trustee concerning his or her financial needs, and provide instructions to sell certain assets originally placed in the trust if the public officer is subsequently prohibited by law from holding the assets. The public officer would also be entitled to enough information from the trustee to prepare their personal income tax statements. The public officer would be required to disclose the blind trust as an asset on his or her financial disclosure form. The public officer would also be required to disclose as primary income any income exceeding the thresholds for reporting.

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

The public officer must notify the Commission that the trust was created within 5 business days. The notice to the Commission must set forth the date the agreement was executed; the name and address of the trustee; and acknowledgement that he or she has agreed to serve as the trustee. Assets placed in a blind trust would not give rise to certain conflicts of interests. Specifically, assets in the trust would not create a violation of the prohibition on doing business with one's own agency in s. 112.313(3), F.S.; would not give rise to a conflicting employment or contractual relationship which would be prohibited in s. 112.313(7), F.S.; and the assets in the blind trust would not give rise to a voting conflict of interests under s. 112.3143, F.S.

State Public Officer Voting Conflicts (Section 6)

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

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

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

Complaints Against Candidates (Section 17)

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

Complaints and Investigative Proceedings (Section 17)

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

Commission determines whether probable cause exists to believe that a violation occurred; or, the subject of the complaint waives confidentiality.⁶

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

Ethics Training (Section 4)

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

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

Legislative Revolving Door Policies (Section 3)

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

⁶ In order to exempt a referral from public records and open meetings laws, a second bill containing the public records and open meetings exemptions will be required pursuant to Article I, Section 24, Florida Constitution. That bill, SB 4, must pass by a 2/3 vote of each house.

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

Dual Public Employment (Section 2)

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

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

“Executive Branch Expenditure Ban” Changes (Section 16)

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill creates a new exemption for public records and open meetings related to referrals to the Commission on Ethics from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney. These exemptions are the subject of a travelling companion bill, SB 4.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As a result of creating new standards of conduct and allowing the Commission on Ethics to receive referrals, there may be an increased number of opinions and proceedings concerning alleged violations of the Code of Ethics. The extent of such increase is indeterminate but will not have a substantial affect on appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is linked to SB 4.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

Barcode 937534 by Community Affairs on February 6, 2013:

Clarified the educator exemption for dual public employment includes online educators.

Barcode 159386 by Community Affairs on February 6, 2013:

Authorized additional public officer employment as long as there is no quid pro quo involved.

By the Committee on Ethics and Elections

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

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

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

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88 commission to be scanned and made publicly available
 89 on a searchable Internet database beginning with the
 90 2012 filing year; requiring the commission to submit a
 91 proposal to the President of the Senate and the
 92 Speaker of the House of Representatives for a
 93 mandatory electronic filing system by a specified
 94 date; establishing minimum requirements for the
 95 commission's proposal; amending s. 112.3145, F.S.;
 96 revising the definitions of "local officer" and
 97 "specified state employee"; requiring the qualifying
 98 officer to electronically transmit a statement of
 99 financial interests of a qualified candidate to the
 100 commission; requiring a person filing a statement of
 101 financial interest to indicate the method of reporting
 102 income; authorizing the commission or the Department
 103 of Financial Services to collect an unpaid fine within
 104 a specified period of the initial report of the
 105 automatic fine; providing timeframes for the filing of
 106 certain complaints; authorizing filing individuals to
 107 file an amended statement during a specified timeframe
 108 under specified conditions; authorizing the commission
 109 to immediately follow complaint procedures under
 110 specified conditions; prohibiting the commission from
 111 taking action on complaints alleging immaterial,
 112 inconsequential, or de minimis errors or omissions;
 113 providing what constitutes an immaterial,
 114 inconsequential, or de minimis error or omission;
 115 authorizing an individual required to file a
 116 disclosure to have the statement prepared by a

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117 certified public accountant; requiring a certified
 118 public accountant to attest to the veracity of the
 119 disclosure; requiring the commission to determine if a
 120 certified public accountant failed to disclose
 121 information provided by the filing individual on the
 122 filed statement; providing that the filing individual
 123 is not in violation of the section if a certified
 124 public accountant was in custody of such information
 125 but failed to disclose it on the statement;
 126 authorizing an elected officer or candidate to use
 127 funds in an office account or campaign depository to
 128 pay a certified public accountant for preparing a
 129 disclosure; creating s. 112.31455, F.S.; requiring the
 130 commission to determine whether an individual owing
 131 certain fines is a current public officer or public
 132 employee or is currently receiving public contract
 133 payments; requiring the commission to notify the Chief
 134 Financial Officer or the governing body of a county,
 135 municipality, or special district of the total amount
 136 of any fine owed to the commission by such
 137 individuals; requiring that the Chief Financial
 138 Officer or the governing body of a county,
 139 municipality, or special district begin withholding 10
 140 percent of any payment from public moneys that would
 141 otherwise be paid to the current public officer,
 142 public employee, or individual currently receiving
 143 public contract payments; requiring that the withheld
 144 payments be remitted to the commission until the fine
 145 is satisfied; authorizing the Chief Financial Officer

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146 or the governing body to retain a percentage of
 147 payment for administrative costs; authorizing
 148 collection methods for the commission or the
 149 Department of Financial Services for individuals who
 150 are no longer public officers or public employees or
 151 who are no longer receiving public contract payments;
 152 amending s. 112.3147, F.S.; providing an exception to
 153 the requirement that all forms be prescribed by the
 154 commission; amending s. 112.3148, F.S.; revising the
 155 definition of "procurement employee"; creating a
 156 definition for "vendor"; prohibiting a reporting
 157 individual or procurement employee from soliciting or
 158 knowingly accepting a gift from a vendor; deleting
 159 references to political committees and committees of
 160 continuous existence; creating s. 112.31485, F.S.;
 161 providing definitions for "gift" and "immediate
 162 family"; prohibiting a reporting individual or
 163 procurement employee or a member of his or her
 164 immediate family from soliciting or knowingly
 165 accepting any gift from a political committee or
 166 committee of continuous existence; prohibiting a
 167 political committee or committee of continuous
 168 existence from giving any gift to a reporting
 169 individual or procurement employee or a member of his
 170 or her immediate family; providing penalties for a
 171 violation; requiring that individuals who violate this
 172 section be held personally liable; amending s.
 173 112.3149, F.S.; revising the definition of
 174 "procurement employee"; creating a definition for

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175 "vendor"; prohibiting a reporting individual or
 176 procurement employee from knowingly accepting an
 177 honorarium from a vendor; prohibiting a vendor from
 178 giving an honorarium to a reporting individual or
 179 procurement employee; reenacting s. 112.317(1)-(5),
 180 F.S., relating to civil penalties, to incorporate the
 181 amendments made to s. 112.3143, F.S., and the creation
 182 of s. 112.31485, F.S., in a reference thereto;
 183 amending s. 112.3215, F.S.; authorizing the commission
 184 to investigate sworn complaints alleging a prohibited
 185 expenditure; authorizing the commission to investigate
 186 a lobbyist or principal upon a sworn complaint or
 187 random audit; providing a civil penalty; amending s.
 188 112.324, F.S.; authorizing specified parties to submit
 189 written referrals of a possible violation of the Code
 190 of Ethics for Public Officers and Employees or other
 191 possible breaches of the public trust to the
 192 Commission on Ethics; establishing procedures for the
 193 receipt of written referrals by the commission;
 194 extending the period in which the disclosure of the
 195 intent to file or the filing of a complaint against a
 196 candidate is prohibited; providing exceptions;
 197 requiring the commission to dismiss a complaint of a
 198 de minimis violation; providing exceptions; defining a
 199 de minimis violation; reenacting s. 120.665, F.S.,
 200 relating to disqualification of agency personnel, to
 201 incorporate the amendments to s. 112.3143, F.S., in a
 202 reference thereto; reenacting s. 286.012, F.S.,
 203 relating to voting requirements at meetings of

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204 governmental bodies, to incorporate the amendments
 205 made to s. 112.3143, F.S., in a reference thereto;
 206 reenacting s. 287.175, F.S., relating to penalties, to
 207 incorporate the amendments made to s. 112.324, F.S.,
 208 in a reference thereto; reenacting s. 288.901(1)(c),
 209 F.S., relating to Enterprise Florida, Inc., to
 210 incorporate the amendments made to s. 112.3143, F.S.,
 211 in a reference thereto; amending s. 445.007, F.S., and
 212 reenacting subsection (1) of that section, relating to
 213 regional workforce boards, to incorporate the
 214 amendments made to s. 112.3143, F.S., in a reference
 215 thereto; correcting cross-references; reenacting s.
 216 627.311(5)(m), F.S., relating to joint underwriters
 217 and joint reinsurers, to incorporate the amendments
 218 made to s. 112.3143, F.S., in a reference thereto;
 219 reenacting s. 627.351(6)(d), F.S., relating to
 220 Citizens Property Insurance Corporation, to
 221 incorporate the amendments made to s. 112.3143, F.S.;
 222 providing an effective date.

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

225
 226 Section 1. Paragraph (b) of subsection (12) of section
 227 112.312, Florida Statutes, is amended to read:
 228 112.312 Definitions.—As used in this part and for purposes
 229 of the provisions of s. 8, Art. II of the State Constitution,
 230 unless the context otherwise requires:

231 (12)

232 (b) "Gift" does not include:

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233 1. Salary, benefits, services, fees, commissions, gifts, or
 234 expenses associated primarily with the donee's employment,
 235 business, or service as an officer or director of a corporation
 236 or organization.

237 2. Except as provided in s. 112.31485, contributions or
 238 expenditures reported pursuant to chapter 106, contributions or
 239 expenditures reported pursuant to federal election law,
 240 campaign-related personal services provided without compensation
 241 by individuals volunteering their time, or any other
 242 contribution or expenditure by a political party or affiliated
 243 party committee.

244 3. An honorarium or an expense related to an honorarium
 245 event paid to a person or the person's spouse.

246 4. An award, plaque, certificate, or similar personalized
 247 item given in recognition of the donee's public, civic,
 248 charitable, or professional service.

249 5. An honorary membership in a service or fraternal
 250 organization presented merely as a courtesy by such
 251 organization.

252 6. The use of a public facility or public property, made
 253 available by a governmental agency, for a public purpose.

254 7. Transportation provided to a public officer or employee
 255 by an agency in relation to officially approved governmental
 256 business.

257 8. Gifts provided directly or indirectly by a state,
 258 regional, or national organization which promotes the exchange
 259 of ideas between, or the professional development of,
 260 governmental officials or employees, and whose membership is
 261 primarily composed of elected or appointed public officials or

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262 staff, to members of that organization or officials or staff of
 263 a governmental agency that is a member of that organization.

264 Section 2. Section 112.3125, Florida Statutes, is created
 265 to read:

266 112.3125 Dual public employment.—

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

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

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

284 (4) This section does not apply to a qualified person
 285 seeking a position as an educator whose primary duties are
 286 instructional, as opposed to managerial or administrative, in
 287 nature.

288 Section 3. Paragraph (a) of subsection (9) of section
 289 112.313, Florida Statutes, is amended to read:

290 112.313 Standards of conduct for public officers, employees

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291 of agencies, and local government attorneys.-

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

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

299 2. As used in this paragraph:

300 a. "Employee" means:

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

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

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

313 (IV) An executive director, staff director, or deputy staff
314 director of each joint committee, standing committee, or select
315 committee of the Legislature; an executive director, staff
316 director, executive assistant, analyst, or attorney of the
317 Office of the President of the Senate, the Office of the Speaker
318 of the House of Representatives, the Senate Majority Party
319 Office, Senate Minority Party Office, House Majority Party

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320 Office, or House Minority Party Office; or any person, hired on
321 a contractual basis, having the power normally conferred upon
322 such persons, by whatever title.

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

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

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

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

340 3. No member of the Legislature, appointed state officer,
341 or statewide elected officer shall personally represent another
342 person or entity for compensation before the government body or
343 agency of which the individual was an officer or member for a
344 period of 2 years following vacation of office. No member of the
345 Legislature shall personally represent another person or entity
346 for compensation during his or her term of office, or for a
347 period of 2 years following vacation of office, before any state
348 agency other than judicial tribunals or in settlement

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349 negotiations after the filing of a lawsuit. No member shall
 350 associate as a partner, principal, or employee of a firm whose
 351 primary purpose is lobbying the Legislature for a period of 2
 352 years following vacation of office for the purpose of drafting,
 353 strategizing, consulting, advising or in any way working on
 354 matters that will come before the Legislature, or provide
 355 networking or relationship building services with sitting
 356 members of the Legislature. For purposes of this prohibition,
 357 employment, partnership, or association with a principal, firm,
 358 or entity whose primary purpose is legislative lobbying is
 359 presumptively prohibited unless the principal, firm, entity, or
 360 former member first seeks an opinion from the commission. The
 361 employer, association or partnership, principal, firm, or entity
 362 affiliating with a former member of the Legislature must file
 363 annually a sworn statement with the Secretary of the Senate or
 364 the Clerk of the House of Representatives affirming that the
 365 former member did not engage in any of the prohibited
 366 activities. If the former member who is employed as a lobbyist
 367 served in both houses of the Legislature, the employer,
 368 association or partnership, principal, firm, or entity
 369 affiliating with the former member must file the sworn statement
 370 with the Secretary of the Senate and the Clerk of the House of
 371 Representatives.

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

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378 vacation of position, unless employed by another agency of state
 379 government.

380 5. Any person violating this paragraph shall be subject to
 381 the penalties provided in s. 112.317 and a civil penalty of an
 382 amount equal to the compensation which the person receives for
 383 the prohibited conduct.

384 6. This paragraph is not applicable to:

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

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

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

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

396 e. Any appointed state officer whose term of office began
 397 before January 1, 1995, unless reappointed to that office on or
 398 after January 1, 1995.

399 Section 4. Section 112.3142, Florida Statutes, is created
 400 to read:

401 112.3142 Ethics training for specified constitutional
 402 officers.-

403 (1) As used in this section, the term "constitutional
 404 officers" includes the Governor, the Lieutenant Governor, the
 405 Attorney General, the Chief Financial Officer, the Commissioner
 406 of Agriculture, state attorneys, public defenders, sheriffs, tax

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407 collectors, property appraisers, supervisors of elections,
 408 clerks of the circuit court, county commissioners, district
 409 school board members, and superintendents of schools.

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

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

420 Section 5. Section 112.31425, Florida Statutes, is created
 421 to read:

422 112.31425 Qualified blind trusts.—

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

427 (2) If a public officer holds a beneficial interest in a
 428 qualified blind trust as described in this section, he or she
 429 does not have a conflict of interest prohibited under s.
 430 112.313(3) or (7) or a voting conflict of interest under s.
 431 112.3143 with regard to matters pertaining to that interest.

432 (3) The public officer may not attempt to influence or
 433 exercise any control over decisions regarding the management of
 434 assets in a qualified blind trust. The public officer or any
 435 person having a beneficial interest in the qualified blind trust

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436 may not make any effort to obtain information with respect to
 437 the holdings of the trust, including obtaining a copy of any
 438 trust tax return filed or any information relating thereto,
 439 except as otherwise provided in this section.

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

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

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

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

457 (d) A direction to the trustee to sell all of an asset
 458 initially placed in the trust by the public officer which, in
 459 the determination of the public officer, creates a conflict of
 460 interest or the appearance thereof due to the subsequent
 461 assumption of duties by the public officer.

462 (5) The public officer shall report the beneficial interest
 463 in the qualified blind trust and its value as an asset on his or
 464 her financial disclosure form, if the value is required to be

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465 disclosed. The public officer shall report the blind trust as a
 466 primary source of income on his or her financial disclosure
 467 forms and its amount, if the amount of income is required to be
 468 disclosed. The public officer is not required to report as a
 469 secondary source of income any source of income to the blind
 470 trust.

471 (6) In order to constitute a qualified blind trust, the
 472 trust established by the public officer must meet the following
 473 requirements:

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

475 1. The public officer's spouse, child, parent, grandparent,
 476 grandchild, brother, sister, parent-in-law, brother-in-law,
 477 sister-in-law, aunt, uncle, or first cousin, or the spouse of
 478 any such person;

479 2. A person who is an elected or appointed public officer
 480 or a public employee; or

481 3. A person who has been appointed to serve in an agency by
 482 the public officer or by a public officer or public employee
 483 supervised by the public officer.

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

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

489 2. Give the trustee complete discretion to manage the
 490 trust, including, but not limited to, the power to dispose of
 491 and acquire trust assets without consulting or notifying the
 492 covered public officer or the person having a beneficial
 493 interest in the trust.

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494 3. Prohibit communication between the trustee and the
 495 public officer, or the person who has a beneficial interest in
 496 the trust, concerning the holdings or sources of income of the
 497 trust, except amounts of cash value or net income or loss, if
 498 such report does not identify any asset or holding, or except as
 499 provided in this section.

500 4. Provide that the trust tax return is prepared by the
 501 trustee or his or her designee and that any information relating
 502 thereto is not disclosed to the public officer or to the person
 503 who has a beneficial interest, except as provided in this
 504 section.

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

510 6. Prohibit the trustee from disclosing to the public
 511 officer or the person who has a beneficial interest any
 512 information concerning replacement assets to the trust, except
 513 for the minimum tax information that lists only the totals of
 514 taxable items from the trust and does not describe the source of
 515 individual items of income.

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

519 1. The date that the agreement is executed;

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

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

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523 (7) If the trust is revoked while the covered public
 524 official is a public officer, or if the covered public official
 525 learns of any replacement assets that have been added to the
 526 trust, the covered public official shall file an amendment to
 527 his or her most recent financial disclosure statement. The
 528 amendment shall be filed no later than 60 days after the date of
 529 revocation or the addition of the replacement assets. The
 530 covered public official shall disclose the previously unreported
 531 pro rata share of the trust's interests in investments or income
 532 deriving from any such investments. For purposes of this
 533 section, any replacement asset that becomes known to the covered
 534 public official shall thereafter be treated as though it were an
 535 original asset of the trust.

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

538 112.3143 Voting conflicts.—

539 (1) As used in this section:

540 (a) "Principal" includes the parent organization or
 541 subsidiary of any person or entity by which the public officer
 542 is retained.

543 (b)(a) "Public officer" includes any person elected or
 544 appointed to hold office in any agency, including any person
 545 serving on an advisory body.

546 (c)(b) "Relative" means any father, mother, son, daughter,
 547 husband, wife, brother, sister, father-in-law, mother-in-law,
 548 son-in-law, or daughter-in-law.

549 (d) "Special private gain or loss" means an economic
 550 benefit or harm that would inure to the voting official or the
 551 voting official's relative, business associate, or principal in

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552 a unique way or disproportionate to other members of the group.

553 (2) (a) ~~A~~ No state public officer may not vote on any matter
 554 that the officer knows would inure to his or her special private
 555 gain or loss is ~~prohibited from voting in an official capacity~~
 556 on any matter. However, Any state public officer who abstains
 557 from voting in an official capacity upon any measure ~~that~~ which
 558 the officer knows would inure to the officer's special private
 559 gain or loss or who votes in an official capacity on a measure
 560 that; ~~which~~ he or she knows would inure to the special private
 561 gain or loss of any principal by whom the officer is retained or
 562 to the parent organization or subsidiary of a corporate
 563 principal by which the officer is retained ~~other than an agency~~
 564 as defined in s. 112.312(2); or which the officer knows would
 565 inure to the special private gain or loss of a relative or
 566 business associate of the public officer, shall make every
 567 reasonable effort to, ~~within 15 days after the vote occurs,~~
 568 disclose the nature of his or her interest as a public record in
 569 a memorandum filed with the person responsible for recording the
 570 minutes of the meeting, who shall incorporate the memorandum in
 571 the minutes. If it is not possible for the state public officer
 572 to file a memorandum before the vote, the memorandum must be
 573 filed with the person responsible for recording the minutes of
 574 the meeting no later than 15 days after the vote.

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

579 Section 7. Subsection (2) and paragraph (h) of subsection
 580 (5) of section 112.3144, Florida Statutes, are amended, present

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581 subsection (7) is renumbered as subsection (9), and new
582 subsections (7) and (8) are added to that section, to read:

583 112.3144 Full and public disclosure of financial
584 interests.-

585 (2) A person who is required, pursuant to s. 8, Art. II of
586 the State Constitution, to file a full and public disclosure of
587 financial interests and who has filed a full and public
588 disclosure of financial interests for any calendar or fiscal
589 year shall not be required to file a statement of financial
590 interests pursuant to s. 112.3145(2) and (3) for the same year
591 or for any part thereof notwithstanding any requirement of this
592 part. When a candidate has qualified for office, the qualifying
593 officer shall, within 3 days of receipt of the full and public
594 disclosure of financial interests, forward an electronic copy of
595 the full and public disclosure to the commission. The electronic
596 copy of the full and public disclosure of financial interests
597 satisfies the annual disclosure requirement of this section. A
598 candidate who does not qualify until after the annual full and
599 public disclosure has been filed pursuant to this section,
600 ~~except that a candidate for office shall file a copy of his or~~
601 ~~her disclosure with the officer before whom he or she qualifies.~~

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

607 (h) Notwithstanding any provision of chapter 120, any fine
608 imposed under this subsection which is not waived by final order
609 of the commission and which remains unpaid more than 60 days

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610 after the notice of payment due or more than 60 days after the
611 commission renders a final order on the appeal must be submitted
612 to the Department of Financial Services as a claim, debt, or
613 other obligation owed to the state, and the department shall
614 assign the collection of such fine to a collection agent as
615 provided in s. 17.20. The commission or the Department of
616 Financial Services may take action to collect any unpaid fine
617 imposed by this subsection within 20 years after the automatic
618 fine is initially reported to the Department of Financial
619 Services.

620 (7)(a) The commission shall treat an amended full and
621 public disclosure of financial interests that is filed prior to
622 September 1 of the current year as the original filing,
623 regardless of whether a complaint has been filed. If a complaint
624 pertaining to the current year alleges a failure to properly and
625 accurately disclose any information required by this section or
626 if a complaint filed pertaining to a previous reporting period
627 within the preceding 5 years alleges a failure to properly and
628 accurately disclose any information required to be disclosed by
629 this section, the commission may immediately follow complaint
630 procedures in s. 112.324. However, if a complaint filed after
631 August 25 alleges an immaterial, inconsequential, or de minimis
632 error or omission, the commission may not take any action on the
633 complaint, other than notifying the filer of the complaint. The
634 filer must be given 30 days to file an amended full and public
635 disclosure of financial interests correcting any errors. If the
636 filer does not file an amended full and public disclosure of
637 financial interests within 30 days after the commission sends
638 notice of the complaint, the commission may continue with

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639 proceedings pursuant to s. 112.324.

640 (b) For purposes of the final full and public disclosure of

641 financial interests, the commission shall treat a new final full

642 and public disclosure of financial interests as the original

643 filing if filed within 60 days after the original filing,

644 regardless of whether a complaint has been filed. If, more than

645 60 days after a final full and public disclosure of financial

646 interests is filed, a complaint is filed alleging a complete

647 omission of any information required to be disclosed by this

648 section, the commission may immediately follow the complaint

649 procedures in s. 112.324. However, if the complaint alleges an

650 immaterial, inconsequential, or de minimis error or omission,

651 the commission may not take any action on the complaint, other

652 than notifying the filer of the complaint. The filer must be

653 given 30 days to file a new final full and public disclosure of

654 financial interests correcting any errors. If the filer does not

655 file a new final full and public disclosure of financial

656 interests within 30 days after the commission sends notice of

657 the complaint, the commission may continue with proceedings

658 pursuant to s. 112.324.

659 (c) For purposes of this section, an error or omission is

660 immaterial, inconsequential, or de minimis if the original

661 filing provided sufficient information for the public to

662 identify potential conflicts of interest.

663 (8) (a) An individual required to file a disclosure pursuant

664 to this section may have the disclosure prepared by a certified

665 public accountant licensed in this state. The certified public

666 accountant must attest on the form that he or she prepared the

667 disclosure in accordance with applicable industry standards, if

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668 any, and that, upon his or her reasonable knowledge and belief,

669 the disclosure is true and correct. If a complaint is filed

670 alleging a failure to disclose information required by this

671 section, the commission shall determine whether the information

672 was disclosed to the certified public accountant. The failure of

673 the certified public accountant to accurately transcribe

674 information provided by the individual required to file is not a

675 violation of this section.

676 (b) An elected officer or candidate who chooses to use a

677 certified public accountant to prepare his or her disclosure may

678 pay for the services of the certified public accountant from

679 funds in an office account created pursuant to s. 106.141 or,

680 during a year that the individual qualifies for election to

681 public office, the candidate's campaign depository pursuant to

682 s. 106.021.

683 Section 8. Section 112.31445, Florida Statutes, is created

684 to read:

685 112.31445 Electronic filing system; full and public

686 disclosure of financial interests.—

687 (1) As used in this section, the term "electronic filing

688 system" means an Internet system for recording and reporting

689 full and public disclosure of financial interests or any other

690 form that is required pursuant to s. 112.3144.

691 (2) Beginning with the 2012 filing year, all full and

692 public disclosures of financial interests filed with the

693 commission pursuant to s. 8, Art. II of the State Constitution

694 or s. 112.3144 must be scanned and made publicly available by

695 the commission through a searchable Internet database.

696 (3) By December 1, 2015, the commission shall submit a

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697 proposal to the President of the Senate and the Speaker of the
698 House of Representatives for a mandatory electronic filing
699 system. The proposal must, at a minimum:

700 (a) Provide for access through the Internet.

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

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

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

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

714 (f) Address whether additional statutory or rulemaking
715 authority is necessary for implementation of the system, and
716 must include, at a minimum, the following elements: alternate
717 filing procedures to be used in the event that the commission's
718 electronic filing system is inoperable, issuance of an
719 electronic receipt via electronic mail indicating and verifying
720 to the individual who submitted the full and public disclosure
721 of financial interests form that the form has been filed, and a
722 determination of the feasibility and necessity of including
723 statements of financial interests filed pursuant to s. 112.3145
724 in the proposed system.

725 Section 9. Paragraphs (a) and (b) of subsection (1),

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726 paragraph (a) of subsection (2), subsection (3), and paragraph
727 (i) of subsection (6) of section 112.3145, Florida Statutes, are
728 amended, present subsection (9) of that section is renumbered as
729 subsection (11), and new subsections (9) and (10) are added to
730 that section, to read:

731 112.3145 Disclosure of financial interests and clients
732 represented before agencies.—

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

735 (a) "Local officer" means:

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

739 2. Any appointed member of any of the following boards,
740 councils, commissions, authorities, or other bodies of any
741 county, municipality, school district, independent special
742 district, or other political subdivision of the state:

743 a. The governing body of the political subdivision, if
744 appointed;

745 ~~b. An expressway authority or transportation authority~~
746 ~~established by general law;~~

747 ~~b.e.~~ A community college or junior college district board
748 of trustees;

749 ~~c.d.~~ A board having the power to enforce local code
750 provisions;

751 ~~d.e.~~ A planning or zoning board, board of adjustment, board
752 of appeals, community redevelopment agency board, or other board
753 having the power to recommend, create, or modify land planning
754 or zoning within the political subdivision, except for citizen

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 755 advisory committees, technical coordinating committees, and such
 756 other groups who only have the power to make recommendations to
 757 planning or zoning boards;

758 ~~e.g.~~ A pension board or retirement board having the power
 759 to invest pension or retirement funds or the power to make a
 760 binding determination of one's entitlement to or amount of a
 761 pension or other retirement benefit; or

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

766 3. Any person holding one or more of the following
 767 positions: mayor; county or city manager; chief administrative
 768 employee of a county, municipality, or other political
 769 subdivision; county or municipal attorney; finance director of a
 770 county, municipality, or other political subdivision; chief
 771 county or municipal building code inspector; county or municipal
 772 water resources coordinator; county or municipal pollution
 773 control director; county or municipal environmental control
 774 director; county or municipal administrator, with power to grant
 775 or deny a land development permit; chief of police; fire chief;
 776 municipal clerk; district school superintendent; community
 777 college president; district medical examiner; or purchasing
 778 agent having the authority to make any purchase exceeding the
 779 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 780 behalf of any political subdivision of the state or any entity
 781 thereof.

782 (b) "Specified state employee" means:

783 1. Public counsel created by chapter 350, an assistant

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 784 state attorney, an assistant public defender, a criminal
 785 conflict and civil regional counsel, an assistant criminal
 786 conflict and civil regional counsel, a full-time state employee
 787 who serves as counsel or assistant counsel to any state agency,
 788 the Deputy Chief Judge of Compensation Claims, a judge of
 789 compensation claims, an administrative law judge, or a hearing
 790 officer.

791 2. Any person employed in the office of the Governor or in
 792 the office of any member of the Cabinet if that person is exempt
 793 from the Career Service System, except persons employed in
 794 clerical, secretarial, or similar positions.

795 3. The State Surgeon General or each appointed secretary,
 796 assistant secretary, deputy secretary, executive director,
 797 assistant executive director, or deputy executive director of
 798 each state department, commission, board, or council; unless
 799 otherwise provided, the division director, assistant division
 800 director, deputy director, bureau chief, and assistant bureau
 801 chief of any state department or division; or any person having
 802 the power normally conferred upon such persons, by whatever
 803 title.

804 4. The superintendent or institute director of a state
 805 mental health institute established for training and research in
 806 the mental health field or the warden or director of any major
 807 state institution or facility established for corrections,
 808 training, treatment, or rehabilitation.

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

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813 6. Any person, other than a legislative assistant exempted
814 by the presiding officer of the house by which the legislative
815 assistant is employed, who is employed in the legislative branch
816 of government, except persons employed in maintenance, clerical,
817 secretarial, or similar positions.

818 7. Each employee of the Commission on Ethics.

819 (2) (a) A person seeking nomination or election to a state
820 or local elective office shall file a statement of financial
821 interests together with, and at the same time he or she files,
822 qualifying papers. When a candidate has qualified for office,
823 the qualifying officer shall, within 3 days of receipt of the
824 statement of financial interests, forward an electronic copy of
825 the statement of financial interests to the commission. The
826 electronic copy of the statement of financial interests
827 satisfies the annual disclosure requirement of this section. A
828 candidate who does not qualify until after the annual statement
829 of financial interests has been filed pursuant to this section
830 shall file a copy of his or her statement with the officer
831 before whom he or she qualifies.

832 (3) The statement of financial interests for state
833 officers, specified state employees, local officers, and persons
834 seeking to qualify as candidates for state or local office shall
835 be filed even if the reporting person holds no financial
836 interests requiring disclosure, in which case the statement
837 shall be marked "not applicable." Otherwise, the statement of
838 financial interests shall include, at the filer's option,
839 either:

840 (a)1. All sources of income in excess of 5 percent of the
841 gross income received during the disclosure period by the person

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

847 2. All sources of income to a business entity in excess of
848 10 percent of the gross income of a business entity in which the
849 reporting person held a material interest and from which he or
850 she received an amount which was in excess of 10 percent of his
851 or her gross income during the disclosure period and which
852 exceeds \$1,500. The period for computing the gross income of the
853 business entity is the fiscal year of the business entity which
854 ended on, or immediately prior to, the end of the disclosure
855 period of the person reporting;

856 3. The location or description of real property in this
857 state, except for residences and vacation homes, owned directly
858 or indirectly by the person reporting, when such person owns in
859 excess of 5 percent of the value of such real property, and a
860 general description of any intangible personal property worth in
861 excess of 10 percent of such person's total assets. For the
862 purposes of this paragraph, indirect ownership does not include
863 ownership by a spouse or minor child; and

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

866 (b)1. All sources of gross income in excess of \$2,500
867 received during the disclosure period by the person in his or
868 her own name or by any other person for his or her use or
869 benefit, excluding public salary. However, this shall not be
870 construed to require disclosure of a business partner's sources

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871 of income. The person reporting shall list such sources in
872 descending order of value with the largest source first;

873 2. All sources of income to a business entity in excess of
874 10 percent of the gross income of a business entity in which the
875 reporting person held a material interest and from which he or
876 she received gross income exceeding \$5,000 during the disclosure
877 period. The period for computing the gross income of the
878 business entity is the fiscal year of the business entity which
879 ended on, or immediately prior to, the end of the disclosure
880 period of the person reporting;

881 3. The location or description of real property in this
882 state, except for residence and vacation homes, owned directly
883 or indirectly by the person reporting, when such person owns in
884 excess of 5 percent of the value of such real property, and a
885 general description of any intangible personal property worth in
886 excess of \$10,000. For the purpose of this paragraph, indirect
887 ownership does not include ownership by a spouse or minor child;
888 and

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

890
891 A person filing a statement of financial interests shall
892 indicate on the statement whether he or she is using the method
893 specified in paragraph (a) or paragraph (b) of this subsection.

894 (6) Forms for compliance with the disclosure requirements
895 of this section and a current list of persons subject to
896 disclosure shall be created by the commission and provided to
897 each supervisor of elections. The commission and each supervisor
898 of elections shall give notice of disclosure deadlines and
899 delinquencies and distribute forms in the following manner:

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900 (i) Notwithstanding any provision of chapter 120, any fine
901 imposed under this subsection which is not waived by final order
902 of the commission and which remains unpaid more than 60 days
903 after the notice of payment due or more than 60 days after the
904 commission renders a final order on the appeal must be submitted
905 to the Department of Financial Services as a claim, debt, or
906 other obligation owed to the state, and the department shall
907 assign the collection of such a fine to a collection agent as
908 provided in s. 17.20. The commission or the Department of
909 Financial Services may take action to collect any unpaid fine
910 imposed by this subsection within 20 years after the automatic
911 fine is initially reported to the Department of Financial
912 Services.

913 (9) (a) The commission shall treat an amended statement of
914 financial interests that is filed prior to September 1 of the
915 current year as the original filing, regardless of whether a
916 complaint has been filed. If a complaint pertaining to the
917 current year alleges a failure to properly and accurately
918 disclose any information required by this section or if a
919 complaint filed pertaining to a previous reporting period within
920 the preceding 5 years alleges a failure to properly and
921 accurately disclose of any information required to be disclosed
922 by this section, the commission may immediately follow complaint
923 procedures in s. 112.324. However, if a complaint filed after
924 August 25 alleges an immaterial, inconsequential, or de minimis
925 error or omission, the commission may not take any action on the
926 complaint, other than notifying the filer of the complaint. The
927 filer must be given 30 days to file an amended statement of
928 financial interests correcting any errors. If the filer does not

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929 file an amended statement of financial interests within 30 days
 930 after the commission sends notice of the complaint, the
 931 commission may continue with proceedings pursuant to s. 112.324.

932 (b) For purposes of the final statement of financial
 933 interests, the commission shall treat a new final statement of
 934 financial interests, as the original filing, if filed within 60
 935 days of the original filing regardless of whether a complaint
 936 has been filed. If, more than 60 days after a final statement of
 937 financial interests is filed, a complaint is filed alleging a
 938 complete omission of any information required to be disclosed by
 939 this section, the commission may immediately follow the
 940 complaint procedures in s. 112.324. However, if the complaint
 941 alleges an immaterial, inconsequential, or de minimis error or
 942 omission, the commission may not take any action on the
 943 complaint other than notifying the filer of the complaint. The
 944 filer must be given 30 days to file a new final statement of
 945 financial interests correcting any errors. If the filer does not
 946 file a new final statement of financial interests within 30 days
 947 after the commission sends notice of the complaint, the
 948 commission may continue with proceedings pursuant to s. 112.324.

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

953 (10) (a) An individual required to file a disclosure
 954 pursuant to this section may have the disclosure prepared by a
 955 certified public accountant licensed in this state. The
 956 certified public accountant must attest on the form that he or
 957 she prepared the disclosure in accordance with applicable

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958 industry standards, if any, and that, upon his or her reasonable
 959 knowledge and belief, the disclosure is true and correct. If a
 960 complaint is filed alleging a failure to disclose information
 961 required by this section, the commission shall determine whether
 962 the information was disclosed to the certified public
 963 accountant. If the certified public accountant had the
 964 information, but failed to accurately transcribe it onto the
 965 form in the manner required, the filing individual in not in
 966 violation of this section.

967 (b) An elected officer or candidate who chooses to use a
 968 certified public accountant to prepare his or her disclosure may
 969 pay for the services of the certified public accountant from
 970 funds in an office account created pursuant to s. 106.141 or,
 971 during a year that the individual qualifies for election to
 972 public office, the candidate's campaign depository pursuant to
 973 s. 106.021.

974 Section 10. Section 112.31455, Florida Statutes, is created
 975 to read:

976 112.31455 Collection methods for unpaid automatic fines for
 977 failure to timely file disclosure of financial interests.-

978 (1) Before referring any unpaid fine accrued pursuant to s.
 979 112.3144(5) or s. 112.3145(6) to the Department of Financial
 980 Services, the commission shall determine whether the individual
 981 owing such a fine is a current public officer or current public
 982 employee or is currently receiving public contract payments. If
 983 so, the commission shall notify the Chief Financial Officer or
 984 the governing body of the appropriate county, municipality, or
 985 special district of the total amount of any fine owed to the
 986 commission by such individual.

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987 (a) Six months after receipt of notice from the commission,
 988 the Chief Financial Officer or the governing body of the county,
 989 municipality, or special district shall begin withholding 10
 990 percent of any payment made from public moneys or any lesser
 991 amount that will satisfy the outstanding fine, less applicable
 992 state and federal taxes. The withheld payments shall be remitted
 993 to the commission until the fine is satisfied.

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

998 (2) If the commission determines that the individual who is
 999 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
 1000 or s. 112.3145(6) is no longer a public officer or public
 1001 employee or is no longer receiving public contract payments, the
 1002 commission or the Department of Financial Services, 6 months
 1003 after the order becomes final, may:

1004 (a) Record the final order as a judgment lien against any
 1005 real property within the state pursuant to chapter 55; or

1006 (b) Seek garnishment of any wages pursuant to chapter 77.

1007 (3) Collection methods authorized pursuant to this section
 1008 do not exclude any other collection methods statutorily
 1009 authorized.

1010 Section 11. Section 112.3147, Florida Statutes, is amended
 1011 to read:

1012 112.3147 Forms.—Except as otherwise provided, all
 1013 information required to be furnished by ss. 112.313, 112.3143,
 1014 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
 1015 of the State Constitution shall be on forms prescribed by the

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1016 Commission on Ethics.

1017 Section 12. Paragraph (e) of subsection (2) of section
 1018 112.3148, Florida Statutes, is amended and paragraph (f) is
 1019 added to that subsection, and subsections (3) through (5) of
 1020 that section are amended, to read:

1021 112.3148 Reporting and prohibited receipt of gifts by
 1022 individuals filing full or limited public disclosure of
 1023 financial interests and by procurement employees.—

1024 (2) As used in this section:

1025 (e) "Procurement employee" means any employee of an
 1026 officer, department, board, commission, ~~or~~ council, or agency of
 1027 the executive branch or judicial branch of state government who
 1028 has participated in the preceding 12 months ~~participates~~ through
 1029 decision, approval, disapproval, recommendation, preparation of
 1030 any part of a purchase request, influencing the content of any
 1031 specification or procurement standard, rendering of advice,
 1032 investigation, or auditing or in any other advisory capacity in
 1033 the procurement of contractual services or commodities as
 1034 defined in s. 287.012, if the cost of such services or
 1035 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 1036 any year.

1037 (f) "Vendor" means a business entity doing business
 1038 directly with an agency, such as renting, leasing, or selling
 1039 any realty, goods, or services.

1040 (3) A reporting individual or procurement employee is
 1041 prohibited from soliciting any gift from a vendor doing business
 1042 with the reporting individual's or procurement employee's agency
 1043 or from a political committee or committee of continuous
 1044 existence, as defined in s. 106.011, or from a lobbyist who

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1045 lobbies the reporting individual's or procurement employee's
 1046 agency, or the partner, firm, employer, or principal of such
 1047 lobbyist, where such gift is for the personal benefit of the
 1048 reporting individual or procurement employee, another reporting
 1049 individual or procurement employee, or any member of the
 1050 immediate family of a reporting individual or procurement
 1051 employee.

1052 (4) A reporting individual or procurement employee or any
 1053 other person on his or her behalf is prohibited from knowingly
 1054 accepting, directly or indirectly, a gift from a vendor doing
 1055 business with the reporting individual's or procurement
 1056 employee's agency or from a political committee or committee of
 1057 continuous existence, as defined in s. 106.011, or from a
 1058 lobbyist who lobbies the reporting individual's or procurement
 1059 employee's agency, or directly or indirectly on behalf of the
 1060 partner, firm, employer, or principal of a lobbyist, if he or
 1061 she knows or reasonably believes that the gift has a value in
 1062 excess of \$100; however, such a gift may be accepted by such
 1063 person on behalf of a governmental entity or a charitable
 1064 organization. If the gift is accepted on behalf of a
 1065 governmental entity or charitable organization, the person
 1066 receiving the gift shall not maintain custody of the gift for
 1067 any period of time beyond that reasonably necessary to arrange
 1068 for the transfer of custody and ownership of the gift.

1069 (5) (a) A vendor doing business with the reporting
 1070 individual's or procurement employee's agency ~~A political~~
 1071 ~~committee or a committee of continuous existence, as defined in~~
 1072 ~~s. 106.011~~; a lobbyist who lobbies a reporting individual's or
 1073 procurement employee's agency; the partner, firm, employer, or

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1074 principal of a lobbyist; or another on behalf of the lobbyist or
 1075 partner, firm, principal, or employer of the lobbyist is
 1076 prohibited from giving, either directly or indirectly, a gift
 1077 that has a value in excess of \$100 to the reporting individual
 1078 or procurement employee or any other person on his or her
 1079 behalf; however, such person may give a gift having a value in
 1080 excess of \$100 to a reporting individual or procurement employee
 1081 if the gift is intended to be transferred to a governmental
 1082 entity or a charitable organization.

1083 (b) However, a person who is regulated by this subsection,
 1084 who is not regulated by subsection (6), and who makes, or
 1085 directs another to make, an individual gift having a value in
 1086 excess of \$25, but not in excess of \$100, other than a gift that
 1087 the donor knows will be accepted on behalf of a governmental
 1088 entity or charitable organization, must file a report on the
 1089 last day of each calendar quarter for the previous calendar
 1090 quarter in which a reportable gift is made. The report shall be
 1091 filed with the Commission on Ethics, except with respect to
 1092 gifts to reporting individuals of the legislative branch, in
 1093 which case the report shall be filed with the Office of
 1094 Legislative Services. The report must contain a description of
 1095 each gift, the monetary value thereof, the name and address of
 1096 the person making such gift, the name and address of the
 1097 recipient of the gift, and the date such gift is given. In
 1098 addition, if a gift is made which requires the filing of a
 1099 report under this subsection, the donor must notify the intended
 1100 recipient at the time the gift is made that the donor, or
 1101 another on his or her behalf, will report the gift under this
 1102 subsection. Under this paragraph, a gift need not be reported by

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1103 more than one person or entity.

1104 Section 13. Section 112.31485, Florida Statutes, is created

1105 to read:

1106 112.31485 Prohibition on gifts involving political

1107 committees and committees of continuous existence.—

1108 (1) (a) For purposes of this section, the term “gift” means

1109 any purchase, payment, distribution, loan, advance, transfer of

1110 funds, or disbursement of money or anything of value that is not

1111 primarily related to contributions, expenditures, or other

1112 political activities authorized pursuant to chapter 106.

1113 (b) For purposes of this section, the term “immediate

1114 family” means any parent, spouse, child, or sibling.

1115 (2) (a) A reporting individual or procurement employee or a

1116 member of his or her immediate family is prohibited from

1117 soliciting or knowingly accepting, directly or indirectly, any

1118 gift from a political committee or committee of continuous

1119 existence.

1120 (b) A political committee or committee of continuous

1121 existence is prohibited from giving, directly or indirectly, any

1122 gift to a reporting individual or procurement employee or a

1123 member of his or her immediate family.

1124 (3) Any person who violates this section is subject to a

1125 civil penalty equal to three times the amount of the gift. Such

1126 penalty is in addition to the penalties provided in s. 112.317

1127 and shall be paid to the General Revenue Fund of the state. A

1128 reporting individual or procurement employee or a member of his

1129 or her immediate family who violates this section is personally

1130 liable for payment of the treble penalty. Any agent or person

1131 acting on behalf of a political committee or committee of

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1132 continuous existence who gives a prohibited gift is personally

1133 liable for payment of the treble penalty.

1134 Section 14. Paragraph (e) of subsection (1) of section

1135 112.3149, Florida Statutes, is amended, and paragraph (f) is

1136 added to that subsection, and subsections (3) and (4) of that

1137 section are amended, to read:

1138 112.3149 Solicitation and disclosure of honoraria.—

1139 (1) As used in this section:

1140 (e) “Procurement employee” means any employee of an

1141 officer, department, board, commission, ~~or~~ council, or agency of

1142 the executive branch or judicial branch of state government who

1143 has participated in the preceding 12 months ~~participates~~ through

1144 decision, approval, disapproval, recommendation, preparation of

1145 any part of a purchase request, influencing the content of any

1146 specification or procurement standard, rendering of advice,

1147 investigation, or auditing or in any other advisory capacity in

1148 the procurement of contractual services or commodities as

1149 defined in s. 287.012, if the cost of such services or

1150 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1151 (f) “Vendor” means a business entity doing business

1152 directly with an agency, such as renting, leasing, or selling

1153 any realty, goods, or services.

1154 (3) A reporting individual or procurement employee is

1155 prohibited from knowingly accepting an honorarium from a

1156 political committee or committee of continuous existence, as

1157 defined in s. 106.011, from a vendor doing business with the

1158 reporting individual’s or procurement employee’s agency, from a

1159 lobbyist who lobbies the reporting individual’s or procurement

1160 employee’s agency, or from the employer, principal, partner, or

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1161 firm of such a lobbyist.

1162 (4) A political committee or committee of continuous
1163 existence, as defined in s. 106.011, a vendor doing business
1164 with the reporting individual's or procurement employee's
1165 agency, a lobbyist who lobbies a reporting individual's or
1166 procurement employee's agency, or the employer, principal,
1167 partner, or firm of such a lobbyist is prohibited from giving an
1168 honorarium to a reporting individual or procurement employee.

1169 Section 15. For the purpose of incorporating the amendment
1170 made by this act to section 112.3143, Florida Statutes, and
1171 newly created section 112.31485, Florida Statutes, in a
1172 reference thereto, subsections (1) through (5) of section
1173 112.317, Florida Statutes, are reenacted to read:

1174 112.317 Penalties.—

1175 (1) Violation of any provision of this part, including, but
1176 not limited to, any failure to file any disclosures required by
1177 this part or violation of any standard of conduct imposed by
1178 this part, or violation of any provision of s. 8, Art. II of the
1179 State Constitution, in addition to any criminal penalty or other
1180 civil penalty involved, shall, under applicable constitutional
1181 and statutory procedures, constitute grounds for, and may be
1182 punished by, one or more of the following:

1183 (a) In the case of a public officer:

- 1184 1. Impeachment.
- 1185 2. Removal from office.
- 1186 3. Suspension from office.
- 1187 4. Public censure and reprimand.
- 1188 5. Forfeiture of no more than one-third salary per month
- 1189 for no more than 12 months.

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1190 6. A civil penalty not to exceed \$10,000.

1191 7. Restitution of any pecuniary benefits received because
1192 of the violation committed. The commission may recommend that
1193 the restitution penalty be paid to the agency of which the
1194 public officer was a member or to the General Revenue Fund.

1195 (b) In the case of an employee or a person designated as a
1196 public officer by this part who otherwise would be deemed to be
1197 an employee:

- 1198 1. Dismissal from employment.
- 1199 2. Suspension from employment for not more than 90 days
- 1200 without pay.
- 1201 3. Demotion.
- 1202 4. Reduction in salary level.
- 1203 5. Forfeiture of no more than one-third salary per month
- 1204 for no more than 12 months.

1205 6. A civil penalty not to exceed \$10,000.

1206 7. Restitution of any pecuniary benefits received because
1207 of the violation committed. The commission may recommend that
1208 the restitution penalty be paid to the agency by which the
1209 public employee was employed, or of which the officer was deemed
1210 to be an employee, or to the General Revenue Fund.

1211 8. Public censure and reprimand.

1212 (c) In the case of a candidate who violates the provisions
1213 of this part or s. 8(a) and (i), Art. II of the State
1214 Constitution:

- 1215 1. Disqualification from being on the ballot.
- 1216 2. Public censure.
- 1217 3. Reprimand.
- 1218 4. A civil penalty not to exceed \$10,000.

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1219 (d) In the case of a former public officer or employee who
 1220 has violated a provision applicable to former officers or
 1221 employees or whose violation occurred before the officer's or
 1222 employee's leaving public office or employment:
 1223 1. Public censure and reprimand.
 1224 2. A civil penalty not to exceed \$10,000.
 1225 3. Restitution of any pecuniary benefits received because
 1226 of the violation committed. The commission may recommend that
 1227 the restitution penalty be paid to the agency of the public
 1228 officer or employee or to the General Revenue Fund.

1229 (e) In the case of a person who is subject to the standards
 1230 of this part, other than a lobbyist or lobbying firm under s.
 1231 112.3215 for a violation of s. 112.3215, but who is not a public
 1232 officer or employee:
 1233 1. Public censure and reprimand.
 1234 2. A civil penalty not to exceed \$10,000.
 1235 3. Restitution of any pecuniary benefits received because
 1236 of the violation committed. The commission may recommend that
 1237 the restitution penalty be paid to the agency of the person or
 1238 to the General Revenue Fund.

1239 (2) In any case in which the commission finds a violation
 1240 of this part or of s. 8, Art. II of the State Constitution and
 1241 the proper disciplinary official or body under s. 112.324
 1242 imposes a civil penalty or restitution penalty, the Attorney
 1243 General shall bring a civil action to recover such penalty. No
 1244 defense may be raised in the civil action to enforce the civil
 1245 penalty or order of restitution that could have been raised by
 1246 judicial review of the administrative findings and
 1247 recommendations of the commission by certiorari to the district

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1248 court of appeal. The Attorney General shall collect any costs,
 1249 attorney's fees, expert witness fees, or other costs of
 1250 collection incurred in bringing the action.
 1251 (3) The penalties prescribed in this part shall not be
 1252 construed to limit or to conflict with:
 1253 (a) The power of either house of the Legislature to
 1254 discipline its own members or impeach a public officer.
 1255 (b) The power of agencies to discipline officers or
 1256 employees.

1257 (4) Any violation of this part or of s. 8, Art. II of the
 1258 State Constitution by a public officer shall constitute
 1259 malfeasance, misfeasance, or neglect of duty in office within
 1260 the meaning of s. 7, Art. IV of the State Constitution.
 1261 (5) By order of the Governor, upon recommendation of the
 1262 commission, any elected municipal officer who violates any
 1263 provision of this part or of s. 8, Art. II of the State
 1264 Constitution may be suspended from office and the office filled
 1265 by appointment for the period of suspension. The suspended
 1266 officer may at any time before removal be reinstated by the
 1267 Governor. The Senate may, in proceedings prescribed by law,
 1268 remove from office, or reinstate, the suspended official, and
 1269 for such purpose the Senate may be convened in special session
 1270 by its President or by a majority of its membership.

1271 Section 16. Paragraphs (a) and (c) of subsection (8) of
 1272 section 112.3215, Florida Statutes, are amended, present
 1273 subsections (11) through (14) are renumbered as (12) through
 1274 (15), respectively, and a new subsection (11) is added to that
 1275 section to read:
 1276 112.3215 Lobbying before the executive branch or the

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1277 Constitution Revision Commission; registration and reporting;
1278 investigation by commission.-

1279 (8) (a) The commission shall investigate every sworn
1280 complaint that is filed with it alleging that a person covered
1281 by this section has failed to register, has failed to submit a
1282 compensation report, has made a prohibited expenditure, or has
1283 knowingly submitted false information in any report or
1284 registration required in this section.

1285 (c) The commission shall investigate any lobbying firm,
1286 lobbyist, principal, agency, officer, or employee upon receipt
1287 of information from a sworn complaint or from a random audit of
1288 lobbying reports indicating a possible violation other than a
1289 late-filed report.

1290 (11) Any person who is required to be registered or to
1291 provide information under this section or under rules adopted
1292 pursuant to this section and who knowingly fails to disclose any
1293 material fact that is required by this section or by rules
1294 adopted pursuant to this section, or who knowingly provides
1295 false information on any report required by this section or by
1296 rules adopted pursuant to this section, commits a noncriminal
1297 infraction, punishable by a fine not to exceed \$5,000. Such
1298 penalty is in addition to any other penalty assessed by the
1299 Governor and Cabinet pursuant to subsection (10).

1300 Section 17. Section 112.324, Florida Statutes, is amended
1301 to read:

1302 112.324 Procedures on complaints of violations and
1303 referrals; public records and meeting exemptions.-

1304 (1) ~~Upon a written complaint executed on a form prescribed~~
1305 ~~by the commission and signed under oath or affirmation by any~~

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1306 ~~person~~, The commission shall investigate an any alleged
1307 violation of this part or ~~any~~ other alleged breach of the public
1308 trust within the jurisdiction of the commission as provided in
1309 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
1310 ~~procedures set forth herein.~~

1311 (a) Upon a written complaint executed on a form prescribed
1312 by the commission and signed under oath of affirmation by any
1313 person; or

1314 (b) Upon receipt of a written referral of a possible
1315 violation of this part or other possible breach of the public
1316 trust from the Governor, the Department of Law Enforcement, a
1317 state attorney, or a United States Attorney which at least six
1318 members of the commission determine is sufficient to indicate a
1319 violation of this part or any other breach of the public trust.

1320
1321 Within 5 days after receipt of a complaint by the commission or
1322 a determination by at least six members of the commission that
1323 the referral received is deemed sufficient, a copy shall be
1324 transmitted to the alleged violator.

1325 (2) (a) The complaint and records relating to the complaint
1326 or to any preliminary investigation held by the commission or
1327 its agents, by a Commission on Ethics and Public Trust
1328 established by any county defined in s. 125.011(1) or by any
1329 municipality defined in s. 165.031, or by any county or
1330 municipality that has established a local investigatory process
1331 to enforce more stringent standards of conduct and disclosure
1332 requirements as provided in s. 112.326 are confidential and
1333 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1334 of the State Constitution.

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1335 (b) Any proceeding conducted by the commission, a
 1336 Commission on Ethics and Public Trust, or a county or
 1337 municipality that has established such local investigatory
 1338 process, pursuant to a complaint or preliminary investigation,
 1339 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
 1340 the State Constitution, and s. 120.525.

1341 (c) The exemptions in paragraphs (a) and (b) apply until
 1342 the complaint is dismissed as legally insufficient, until the
 1343 alleged violator requests in writing that such records and
 1344 proceedings be made public, or until the commission, a
 1345 Commission on Ethics and Public Trust, or a county or
 1346 municipality that has established such local investigatory
 1347 process determines, based on such investigation, whether
 1348 probable cause exists to believe that a violation has occurred.
 1349 ~~In no event shall~~ A complaint or referral under this part
 1350 may not be filed ~~nor may~~ ~~or~~ any intention of filing such a
 1351 complaint or referral be disclosed on the day of any such
 1352 election or within the 30 ~~5~~ days immediately preceding the date
 1353 of the election, unless the complaint or referral is based upon
 1354 personal information or information other than hearsay.

1356 (d) This subsection is subject to the Open Government
 1357 Sunset Review Act in accordance with s. 119.15 and shall stand
 1358 repealed on October 2, 2015, unless reviewed and saved from
 1359 repeal through reenactment by the Legislature.

1360 (3) A preliminary investigation shall be undertaken by the
 1361 commission of each legally sufficient complaint or referral over
 1362 which the commission has jurisdiction to determine whether there
 1363 is probable cause to believe that a violation has occurred. If,

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1364 upon completion of the preliminary investigation, the commission
 1365 finds no probable cause to believe that this part has been
 1366 violated or that any other breach of the public trust has been
 1367 committed, the commission shall dismiss the complaint or
 1368 referral with the issuance of a public report to the complainant
 1369 and the alleged violator, stating with particularity its reasons
 1370 for dismissal ~~of the complaint~~. At that time, the complaint or
 1371 referral and all materials relating to the complaint or referral
 1372 shall become a matter of public record. If the commission finds
 1373 from the preliminary investigation probable cause to believe
 1374 that this part has been violated or that any other breach of the
 1375 public trust has been committed, it shall so notify the
 1376 complainant and the alleged violator in writing. Such
 1377 notification and all documents made or received in the
 1378 disposition of the complaint or referral shall then become
 1379 public records. Upon request submitted to the commission in
 1380 writing, any person who the commission finds probable cause to
 1381 believe has violated any provision of this part or has committed
 1382 any other breach of the public trust shall be entitled to a
 1383 public hearing. Such person shall be deemed to have waived the
 1384 right to a public hearing if the request is not received within
 1385 14 days following the mailing of the probable cause notification
 1386 required by this subsection. However, the commission may on its
 1387 own motion, require a public hearing, may conduct such further
 1388 investigation as it deems necessary, and may enter into such
 1389 stipulations and settlements as it finds to be just and in the
 1390 best interest of the state. The commission is without
 1391 jurisdiction to, and no respondent may voluntarily or
 1392 involuntarily, enter into a stipulation or settlement which

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1393 imposes any penalty, including, but not limited to, a sanction
 1394 or admonition or any other penalty contained in s. 112.317.
 1395 Penalties shall be imposed only by the appropriate disciplinary
 1396 authority as designated in this section.

1397 (4) If, in cases pertaining to members of the Legislature,
 1398 upon completion of a full and final investigation by the
 1399 commission, the commission finds that there has been a violation
 1400 of this part or of any provision of s. 8, Art. II of the State
 1401 Constitution, the commission shall forward a copy of the
 1402 complaint or referral and its findings by certified mail to the
 1403 President of the Senate or the Speaker of the House of
 1404 Representatives, whichever is applicable, who shall refer the
 1405 complaint or referral to the appropriate committee for
 1406 investigation and action which shall be governed by the rules of
 1407 its respective house. It ~~is shall be~~ the duty of the committee
 1408 to report its final action upon the matter ~~complaint~~ to the
 1409 commission within 90 days of the date of transmittal to the
 1410 respective house. Upon request of the committee, the commission
 1411 shall submit a recommendation as to what penalty, if any, should
 1412 be imposed. In the case of a member of the Legislature, the
 1413 house in which the member serves ~~has shall have~~ the power to
 1414 invoke the penalty provisions of this part.

1415 (5) If, in cases ~~pertaining to complaints~~ against
 1416 impeachable officers, upon completion of a full and final
 1417 investigation by the commission, the commission finds that there
 1418 has been a violation of this part or of any provision of s. 8,
 1419 Art. II of the State Constitution, and the commission finds that
 1420 the violation may constitute grounds for impeachment, the
 1421 commission shall forward a copy of the complaint or referral and

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1422 its findings by certified mail to the Speaker of the House of
 1423 Representatives, who shall refer the complaint or referral to
 1424 the appropriate committee for investigation and action which
 1425 shall be governed by the rules of the House of Representatives.
 1426 It ~~is shall be~~ the duty of the committee to report its final
 1427 action upon the matter ~~complaint~~ to the commission within 90
 1428 days of the date of transmittal.

1429 (6) If the commission finds that there has been a violation
 1430 of this part or of any provision of s. 8, Art. II of the State
 1431 Constitution by an impeachable officer other than the Governor,
 1432 and the commission recommends public censure and reprimand,
 1433 forfeiture of a portion of the officer's salary, a civil
 1434 penalty, or restitution, the commission shall report its
 1435 findings and recommendation of disciplinary action to the
 1436 Governor, who ~~has shall have~~ the power to invoke the penalty
 1437 provisions of this part.

1438 (7) If the commission finds that there has been a violation
 1439 of this part or of any provision of s. 8, Art. II of the State
 1440 Constitution by the Governor, and the commission recommends
 1441 public censure and reprimand, forfeiture of a portion of the
 1442 Governor's salary, a civil penalty, or restitution, the
 1443 commission shall report its findings and recommendation of
 1444 disciplinary action to the Attorney General, who shall have the
 1445 power to invoke the penalty provisions of this part.

1446 (8) If, in cases ~~pertaining to complaints~~ other than
 1447 complaints or referrals against impeachable officers or members
 1448 of the Legislature, upon completion of a full and final
 1449 investigation by the commission, the commission finds that there
 1450 has been a violation of this part or of s. 8, Art. II of the

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1451 State Constitution, it ~~is shall be~~ the duty of the commission to
 1452 report its findings and recommend appropriate action to the
 1453 proper disciplinary official or body as follows, and such
 1454 official or body ~~has shall have~~ the power to invoke the penalty
 1455 provisions of this part, including the power to order the
 1456 appropriate elections official to remove a candidate from the
 1457 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
 1458 II of the State Constitution:

1459 (a) The President of the Senate and the Speaker of the
 1460 House of Representatives, jointly, in any case concerning the
 1461 Public Counsel, members of the Public Service Commission,
 1462 members of the Public Service Commission Nominating Council, the
 1463 Auditor General, or the director of the Office of Program Policy
 1464 Analysis and Government Accountability.

1465 (b) The Supreme Court, in any case concerning an employee
 1466 of the judicial branch.

1467 (c) The President of the Senate, in any case concerning an
 1468 employee of the Senate; the Speaker of the House of
 1469 Representatives, in any case concerning an employee of the House
 1470 of Representatives; or the President and the Speaker, jointly,
 1471 in any case concerning an employee of a committee of the
 1472 Legislature whose members are appointed solely by the President
 1473 and the Speaker or in any case concerning an employee of the
 1474 Public Counsel, Public Service Commission, Auditor General, or
 1475 Office of Program Policy Analysis and Government Accountability.

1476 (d) Except as otherwise provided by this part, the
 1477 Governor, in the case of any other public officer, public
 1478 employee, former public officer or public employee, candidate or
 1479 former candidate, or person who is not a public officer or

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1480 employee, other than lobbyists and lobbying firms under s.
 1481 112.3215 for violations of s. 112.3215.

1482 (e) The President of the Senate or the Speaker of the House
 1483 of Representatives, whichever is applicable, in any case
 1484 concerning a former member of the Legislature who has violated a
 1485 provision applicable to former members or whose violation
 1486 occurred while a member of the Legislature.

1487 (9) In addition to reporting its findings to the proper
 1488 disciplinary body or official, the commission shall report these
 1489 findings to the state attorney or any other appropriate official
 1490 or agency having authority to initiate prosecution when
 1491 violation of criminal law is indicated.

1492 (10) Notwithstanding the foregoing procedures of this
 1493 section, a sworn complaint against any member or employee of the
 1494 Commission on Ethics for violation of this part or of s. 8, Art.
 1495 II of the State Constitution shall be filed with the President
 1496 of the Senate and the Speaker of the House of Representatives.
 1497 Each presiding officer shall, after determining that there are
 1498 sufficient grounds for review, appoint three members of their
 1499 respective bodies to a special joint committee who shall
 1500 investigate the complaint. The members shall elect a chair from
 1501 among their number. If the special joint committee finds
 1502 insufficient evidence to establish probable cause to believe a
 1503 violation of this part or of s. 8, Art. II of the State
 1504 Constitution has occurred, it shall dismiss the complaint. If,
 1505 upon completion of its preliminary investigation, the committee
 1506 finds sufficient evidence to establish probable cause to believe
 1507 a violation has occurred, the chair thereof shall transmit such
 1508 findings to the Governor who shall convene a meeting of the

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1509 Governor, the President of the Senate, the Speaker of the House
 1510 of Representatives, and the Chief Justice of the Supreme Court
 1511 to take such final action on the complaint as they shall deem
 1512 appropriate, consistent with the penalty provisions of this
 1513 part. Upon request of a majority of the Governor, the President
 1514 of the Senate, the Speaker of the House of Representatives, and
 1515 the Chief Justice of the Supreme Court, the special joint
 1516 committee shall submit a recommendation as to what penalty, if
 1517 any, should be imposed.

1518 (11) (a) Notwithstanding the provisions of subsections (1)-
 1519 (8), the commission shall dismiss any complaint or referral at
 1520 any stage of disposition should it determine that the violation
 1521 that is alleged or has occurred is a de minimis violation
 1522 attributable to inadvertent or unintentional error. In
 1523 determining whether a violation was de minimis, the commission
 1524 shall consider whether the interests of the public were
 1525 protected despite the violation. This subsection does not apply
 1526 to complaints pursuant to ss. 112.3144 and 112.3145.

1527 (b) For the purposes of this subsection, a de minimis
 1528 violation is any violation that is unintentional and not
 1529 material in nature.

1530 (12)-(11) Notwithstanding the provisions of subsections (1)-
 1531 (8), the commission may, at its discretion, dismiss any
 1532 complaint or referral at any stage of disposition should it
 1533 determine that the public interest would not be served by
 1534 proceeding further, in which case the commission shall issue a
 1535 public report stating with particularity its reasons for the
 1536 dismissal.

1537 Section 18. For the purpose of incorporating the amendment

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1538 made by this act to section 112.3143, Florida Statutes, in a
 1539 reference thereto, subsection (1) of section 120.665, Florida
 1540 Statutes, is reenacted to read:

1541 120.665 Disqualification of agency personnel.—

1542 (1) Notwithstanding the provisions of s. 112.3143, any
 1543 individual serving alone or with others as an agency head may be
 1544 disqualified from serving in an agency proceeding for bias,
 1545 prejudice, or interest when any party to the agency proceeding
 1546 shows just cause by a suggestion filed within a reasonable
 1547 period of time prior to the agency proceeding. If the
 1548 disqualified individual was appointed, the appointing power may
 1549 appoint a substitute to serve in the matter from which the
 1550 individual is disqualified. If the individual is an elected
 1551 official, the Governor may appoint a substitute to serve in the
 1552 matter from which the individual is disqualified. However, if a
 1553 quorum remains after the individual is disqualified, it shall
 1554 not be necessary to appoint a substitute.

1555 Section 19. For the purpose of incorporating the amendment
 1556 made by this act to section 112.3143, Florida Statutes, in a
 1557 reference thereto, section 286.012, Florida Statutes, is
 1558 reenacted to read:

1559 286.012 Voting requirement at meetings of governmental
 1560 bodies.—No member of any state, county, or municipal
 1561 governmental board, commission, or agency who is present at any
 1562 meeting of any such body at which an official decision, ruling,
 1563 or other official act is to be taken or adopted may abstain from
 1564 voting in regard to any such decision, ruling, or act; and a
 1565 vote shall be recorded or counted for each such member present,
 1566 except when, with respect to any such member, there is, or

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 1567 appears to be, a possible conflict of interest under the
 1568 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
 1569 cases, said member shall comply with the disclosure requirements
 1570 of s. 112.3143.

1571 Section 20. For the purpose of incorporating the amendment
 1572 made by this act to section 112.324, Florida Statutes, in a
 1573 reference thereto, section 287.175, Florida Statutes, is
 1574 reenacted to read:

1575 287.175 Penalties.—A violation of this part or a rule
 1576 adopted hereunder, pursuant to applicable constitutional and
 1577 statutory procedures, constitutes misuse of public position as
 1578 defined in s. 112.313(6), and is punishable as provided in s.
 1579 112.317. The Chief Financial Officer shall report incidents of
 1580 suspected misuse to the Commission on Ethics, and the commission
 1581 shall investigate possible violations of this part or rules
 1582 adopted hereunder when reported by the Chief Financial Officer,
 1583 notwithstanding the provisions of s. 112.324. Any violation of
 1584 this part or a rule adopted hereunder shall be presumed to have
 1585 been committed with wrongful intent, but such presumption is
 1586 rebuttable. Nothing in this section is intended to deny rights
 1587 provided to career service employees by s. 110.227.

1588 Section 21. For the purpose of incorporating the amendment
 1589 made by this act to section 112.3143, Florida Statutes, in a
 1590 reference thereto, paragraph (c) of subsection (1) of section
 1591 288.901, Florida Statutes, is reenacted to read:

1592 288.901 Enterprise Florida, Inc.—

1593 (1) CREATION.—

1594 (c) The Legislature determines that it is in the public
 1595 interest for the members of Enterprise Florida, Inc., board of

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 1596 directors to be subject to the requirements of ss. 112.3135,
 1597 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding
 1598 the fact that the board members are not public officers or
 1599 employees. For purposes of those sections, the board members
 1600 shall be considered to be public officers or employees. The
 1601 exemption set forth in s. 112.313(12) for advisory boards
 1602 applies to the members of Enterprise Florida, Inc., board of
 1603 directors. Further, each member of the board of directors who is
 1604 not otherwise required to file financial disclosures pursuant to
 1605 s. 8, Art. II of the State Constitution or s. 112.3144, shall
 1606 file disclosure of financial interests pursuant to s. 112.3145.

1607 Section 22. Subsection (1) of section 445.007, Florida
 1608 Statutes, is reenacted for the purpose of incorporating the
 1609 amendment made by this act to section 112.3143, Florida
 1610 Statutes, in a reference thereto, and subsection (11) of that
 1611 section is amended, to read:

1612 445.007 Regional workforce boards.—

1613 (1) One regional workforce board shall be appointed in each
 1614 designated service delivery area and shall serve as the local
 1615 workforce investment board pursuant to Pub. L. No. 105-220. The
 1616 membership of the board shall be consistent with Pub. L. No.
 1617 105-220, Title I, s. 117(b) but may not exceed the minimum
 1618 membership required in Pub. L. No. 105-220, Title I, s.
 1619 117(b) (2) (A) and in this subsection. Upon approval by the
 1620 Governor, the chief elected official may appoint additional
 1621 members above the limit set by this subsection. If a public
 1622 education or training provider is represented on the board, a
 1623 representative of a private nonprofit provider and a
 1624 representative of a private for-profit provider must also be

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1625 appointed to the board. The board shall include one nonvoting
 1626 representative from a military installation if a military
 1627 installation is located within the region and the appropriate
 1628 military command or organization authorizes such representation.
 1629 It is the intent of the Legislature that membership of a
 1630 regional workforce board include persons who are current or
 1631 former recipients of welfare transition assistance as defined in
 1632 s. 445.002(2) or workforce services as provided in s. 445.009(1)
 1633 or that such persons be included as ex officio members of the
 1634 board or of committees organized by the board. The importance of
 1635 minority and gender representation shall be considered when
 1636 making appointments to the board. The board, its committees,
 1637 subcommittees, and subdivisions, and other units of the
 1638 workforce system, including units that may consist in whole or
 1639 in part of local governmental units, may use any method of
 1640 telecommunications to conduct meetings, including establishing a
 1641 quorum through telecommunications, provided that the public is
 1642 given proper notice of the telecommunications meeting and
 1643 reasonable access to observe and, when appropriate, participate.
 1644 Regional workforce boards are subject to chapters 119 and 286
 1645 and s. 24, Art. I of the State Constitution. If the regional
 1646 workforce board enters into a contract with an organization or
 1647 individual represented on the board of directors, the contract
 1648 must be approved by a two-thirds vote of the board, a quorum
 1649 having been established, and the board member who could benefit
 1650 financially from the transaction must abstain from voting on the
 1651 contract. A board member must disclose any such conflict in a
 1652 manner that is consistent with the procedures outlined in s.
 1653 112.3143. Each member of a regional workforce board who is not

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1654 otherwise required to file a full and public disclosure of
 1655 financial interests pursuant to s. 8, Art. II of the State
 1656 Constitution or s. 112.3144 shall file a statement of financial
 1657 interests pursuant to s. 112.3145. The executive director or
 1658 designated person responsible for the operational and
 1659 administrative functions of the regional workforce board who is
 1660 not otherwise required to file a full and public disclosure of
 1661 financial interests pursuant to s. 8, Art. II of the State
 1662 Constitution or s. 112.3144 shall file a statement of financial
 1663 interests pursuant to s. 112.3145.
 1664 (11) To increase transparency and accountability, a
 1665 regional workforce board must comply with the requirements of
 1666 this section before contracting with a member of the board or a
 1667 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
 1668 board member or of an employee of the board. Such contracts may
 1669 not be executed before or without the approval of Workforce
 1670 Florida, Inc. Such contracts, as well as documentation
 1671 demonstrating adherence to this section as specified by
 1672 Workforce Florida, Inc., must be submitted to the Department of
 1673 Economic Opportunity for review and recommendation according to
 1674 criteria to be determined by Workforce Florida, Inc. Such a
 1675 contract must be approved by a two-thirds vote of the board, a
 1676 quorum having been established; all conflicts of interest must
 1677 be disclosed before the vote; and any member who may benefit
 1678 from the contract, or whose relative may benefit from the
 1679 contract, must abstain from the vote. A contract under \$25,000
 1680 between a regional workforce board and a member of that board or
 1681 between a relative, as defined in s. 112.3143(1)(c)
 1682 ~~112.3143(1)(b)~~, of a board member or of an employee of the board

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 1683 is not required to have the prior approval of Workforce Florida,
 1684 Inc., but must be approved by a two-thirds vote of the board, a
 1685 quorum having been established, and must be reported to the
 1686 Department of Economic Opportunity and Workforce Florida, Inc.,
 1687 within 30 days after approval. If a contract cannot be approved
 1688 by Workforce Florida, Inc., a review of the decision to
 1689 disapprove the contract may be requested by the regional
 1690 workforce board or other parties to the disapproved contract.

1691 Section 23. For the purpose of incorporating the amendment
 1692 made by this act to section 112.3143, Florida Statutes, in a
 1693 reference thereto, paragraph (m) of subsection (5) of section
 1694 627.311, Florida Statutes, is reenacted to read:

1695 627.311 Joint underwriters and joint reinsurers; public
 1696 records and public meetings exemptions.—

1697 (5)

1698 (m) Senior managers and officers, as defined in the plan of
 1699 operation, and members of the board of governors are subject to
 1700 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
 1701 112.316, and 112.317. Senior managers, officers, and board
 1702 members are also required to file such disclosures with the
 1703 Commission on Ethics and the Office of Insurance Regulation. The
 1704 executive director of the plan or his or her designee shall
 1705 notify each newly appointed and existing appointed member of the
 1706 board of governors, senior manager, and officer of his or her
 1707 duty to comply with the reporting requirements of s. 112.3145.
 1708 At least quarterly, the executive director of the plan or his or
 1709 her designee shall submit to the Commission on Ethics a list of
 1710 names of the senior managers, officers, and members of the board
 1711 of governors who are subject to the public disclosure

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 1712 requirements under s. 112.3145. Notwithstanding s. 112.313, an
 1713 employee, officer, owner, or director of an insurance agency,
 1714 insurance company, or other insurance entity may be a member of
 1715 the board of governors unless such employee, officer, owner, or
 1716 director of an insurance agency, insurance company, other
 1717 insurance entity, or an affiliate provides policy issuance,
 1718 policy administration, underwriting, claims handling, or payroll
 1719 audit services. Notwithstanding s. 112.3143, such board member
 1720 may not participate in or vote on a matter if the insurance
 1721 agency, insurance company, or other insurance entity would
 1722 obtain a special or unique benefit that would not apply to other
 1723 similarly situated insurance entities.

1724 Section 24. For the purpose of incorporating the amendment
 1725 made to this act to section 112.3143, Florida Statutes, in a
 1726 reference thereto, paragraph (d) of subsection (6) of section
 1727 627.351, Florida Statutes, is reenacted to read:

1728 627.351 Insurance risk apportionment plans.—

1729 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1730 (d)1. All prospective employees for senior management
 1731 positions, as defined by the plan of operation, are subject to
 1732 background checks as a prerequisite for employment. The office
 1733 shall conduct the background checks pursuant to ss. 624.34,
 1734 624.404(3), and 628.261.

1735 2. On or before July 1 of each year, employees of the
 1736 corporation must sign and submit a statement attesting that they
 1737 do not have a conflict of interest, as defined in part III of
 1738 chapter 112. As a condition of employment, all prospective
 1739 employees must sign and submit to the corporation a conflict-of-
 1740 interest statement.

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1741 3. Senior managers and members of the board of governors
 1742 are subject to part III of chapter 112, including, but not
 1743 limited to, the code of ethics and public disclosure and
 1744 reporting of financial interests, pursuant to s. 112.3145.
 1745 Notwithstanding s. 112.3143(2), a board member may not vote on
 1746 any measure that would inure to his or her special private gain
 1747 or loss; that he or she knows would inure to the special private
 1748 gain or loss of any principal by whom he or she is retained or
 1749 to the parent organization or subsidiary of a corporate
 1750 principal by which he or she is retained, other than an agency
 1751 as defined in s. 112.312; or that he or she knows would inure to
 1752 the special private gain or loss of a relative or business
 1753 associate of the public officer. Before the vote is taken, such
 1754 member shall publicly state to the assembly the nature of his or
 1755 her interest in the matter from which he or she is abstaining
 1756 from voting and, within 15 days after the vote occurs, disclose
 1757 the nature of his or her interest as a public record in a
 1758 memorandum filed with the person responsible for recording the
 1759 minutes of the meeting, who shall incorporate the memorandum in
 1760 the minutes. Senior managers and board members are also required
 1761 to file such disclosures with the Commission on Ethics and the
 1762 Office of Insurance Regulation. The executive director of the
 1763 corporation or his or her designee shall notify each existing
 1764 and newly appointed member of the board of governors and senior
 1765 managers of their duty to comply with the reporting requirements
 1766 of part III of chapter 112. At least quarterly, the executive
 1767 director or his or her designee shall submit to the Commission
 1768 on Ethics a list of names of the senior managers and members of
 1769 the board of governors who are subject to the public disclosure

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1770 requirements under s. 112.3145.
 1771 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
 1772 provision of law, an employee or board member may not knowingly
 1773 accept, directly or indirectly, any gift or expenditure from a
 1774 person or entity, or an employee or representative of such
 1775 person or entity, which has a contractual relationship with the
 1776 corporation or who is under consideration for a contract. An
 1777 employee or board member who fails to comply with subparagraph
 1778 3. or this subparagraph is subject to penalties provided under
 1779 ss. 112.317 and 112.3173.
 1780 5. Any senior manager of the corporation who is employed on
 1781 or after January 1, 2007, regardless of the date of hire, who
 1782 subsequently retires or terminates employment is prohibited from
 1783 representing another person or entity before the corporation for
 1784 2 years after retirement or termination of employment from the
 1785 corporation.
 1786 6. Any senior manager of the corporation who is employed on
 1787 or after January 1, 2007, regardless of the date of hire, who
 1788 subsequently retires or terminates employment is prohibited from
 1789 having any employment or contractual relationship for 2 years
 1790 with an insurer that has entered into a take-out bonus agreement
 1791 with the corporation.
 1792 Section 25. This act shall take effect upon becoming a law.

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937534

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2013	.	
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	.	
	.	

The Committee on Community Affairs (Hukill) recommended the following:

Senate Amendment

Delete line 285
and insert:
seeking a position as an educator, including a position as
an online educator, whose primary duties are



159386

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2013	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment

Delete line 272
and insert:
employment with the state or any of its political subdivisions
which the public officer knows, or, with the exercise of
reasonable care, should know, is primarily established and
compensated by the employer for the purpose of gaining influence
or other advantage based on the public officer's elective office
or candidacy.

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 Rules

BILL: CS/SB 4

INTRODUCER: Governmental Oversight and Accountability Committee and Ethics and Elections Committee

SUBJECT: Public Records and Meetings of the Commission on Ethics

DATE: February 11, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts		ee SPB 7008 as introduced
2.	Naf	McVaney	GO	Fav/CS
3.	Carlton	Phelps	RC	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 4 is a public records and meetings bill linked to SB 2, which, in part, authorizes specified public officers to refer cases of possible ethics violations to the Florida Commission on Ethics (state commission). This bill adds to existing public records and meetings exemptions related to complaints of possible ethics violations received by the state commission.

This bill creates a temporary public records exemption for:

- Written referrals of possible ethics violations and records relating to such referrals that are held by the state commission, its agents, or a public officer authorized to make such a referral; and
- Records relating to any preliminary investigation of such referrals that are held by the state commission or its agents.

This bill also creates a temporary public meetings exemption for any portion of a proceeding of the state commission in which a determination regarding a referral is discussed or acted upon. The bill subjects the newly created public records and meetings exemptions to the conditions

upon which the existing public records and meetings exemptions expire and adds a new condition.

The bill clarifies that the existing public meetings exemption for any proceeding conducted by the state commission or a local government pursuant to a complaint or preliminary investigation is limited to those *portions of proceedings* that are conducted pursuant to a complaint or preliminary investigation.

This bill extends the existing Open Government Sunset Review repeal date from October 2, 2015, to October 2, 2018. It provides a public necessity statement as required by the Florida Constitution.

Because this bill creates new public records and meetings exemptions, it requires a two-thirds vote of the members present and voting in each house for passage.

This bill substantially amends section 112.324, Florida Statutes.

II. Present Situation:

Public Records and Meetings Requirements

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

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

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ FLA. CONST., art. I, s. 24(b).

⁴ Chapter 119, F.S.

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

⁶ Section 119.07(1)(a), F.S.

state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁸

Only the Legislature may create an exemption to public records or public meetings requirements.⁹ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

Exemptions are subject to the Open Government Sunset Review Act,¹³ which prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁵

Entities that may Investigate Possible Ethics Violations

The Florida Commission on Ethics (state commission) serves as a guardian of the standards of conduct for officers and employees of the state and its political subdivisions.¹⁶ It is an independent commission responsible for investigating and issuing public reports on complaints of breaches of the public trust¹⁷ by public officers and employees.¹⁸ The state commission must investigate sworn complaints of violation of the Code of Ethics for Public Officers and Employees (Code of Ethics)¹⁹ or of any other law over which it has jurisdiction.²⁰ It may only

⁷ Section 286.011, F.S.

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

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

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

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

¹² FLA. CONST., art. I, s. 24(c).

¹³ Section 119.15, F.S.

¹⁴ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹⁵ Section 119.15(3), F.S.

¹⁶ See FLA. CONST. art. II, s. 8; and s. 112.320, F.S.

¹⁷ Section 112.312(3), F.S., defines “breach of the public trust” to mean a violation of a provision of the Florida Constitution or the Code of Ethics that establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of Art. II, s. 8 of the Florida Constitution, or of the Code of Ethics.

¹⁸ See FLA. CONST. art. II, s. 8

¹⁹ The Code of Ethics is comprised of part III of ch. 112, F.S.

initiate an ethics investigation if it receives such a sworn complaint.²¹ There is no process by which another public officer may refer a possible ethics violation.

Additionally, current law provides that the Code of Ethics does not prohibit the governing body of a political subdivision or an agency from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in the Code of Ethics, so long as those standards and requirements do not otherwise conflict with the Code of Ethics.²²

Neither the Florida Constitution nor the Code of Ethics specifically addresses the creation of a county or municipality “Commission on Ethics and Public Trust.” The existing public records and meetings exemptions relating to complaints and investigations of possible ethics violations, however, include such local commissions in the categories of entities to whom the exemptions apply.²³

Public Records and Meetings Exemptions Relating to Possible Ethics Violations

Current law provides that a complaint of an ethics violation or any records relating to the complaint or to any preliminary investigation that are held by the state commission, a local Commission on Ethics and Public Trust, or any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements²⁴ are temporarily confidential and exempt²⁵ from public records requirements.²⁶

Current law also temporarily exempts any proceeding conducted pursuant to a complaint or preliminary investigation by the state commission, a local Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process from public meetings requirements.²⁷

Both the public records and public meetings exemption expire when:

²⁰ Section 112.322(1), F.S. The state commission is authorized to enforce the following ethics laws: the Code of Ethics in ch. 112, F.S.; Art. II, s. 8 of the Florida Constitution; standards of conduct specific to members and employees of the Public Service Commission and to members of the Public Service Commission Nominating Council (s. 350.043, F.S.); standards governing the use of state motor vehicles or aircraft (s. 287.175, F.S.); and standards governing agency use of public funds to retain lobbyists (s. 11.062(2)(e), F.S.).

²¹ Section 112.324(1), F.S.

²² Section 112.326, F.S.

²³ Section 112.324(2)(a)-(c), F.S.

²⁴ Pursuant to s. 112.326, F.S.

²⁵ There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (see *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (see Attorney General Opinion 85-62, August 1, 1985).

²⁶ Section 112.324(2)(a), F.S. Such records are temporarily confidential and exempt from s. 119.07(1), F.S., and constitutional public records requirements.

²⁷ Section 112.324(2)(b), F.S. Such proceedings are temporarily exempt from the Sunshine Law, constitutional public meetings requirements, and s. 120.525, F.S., which sets forth timing and content requirements for notices and agendas of public meetings, workshops, and hearings of agencies subject to ch. 120, F.S.

- The complaint is dismissed as legally insufficient;
- The alleged violator requests in writing that the records and proceedings be made public; or
- The state commission, local Commission on Ethics and Public Trust, or county or municipality that has established such local investigatory process determines whether probable cause exists to believe that a violation has occurred.²⁸

III. Effect of Proposed Changes:

Linked Bill

This bill is linked to SB 2, which, in part, authorizes the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney to submit a written referral of a possible violation of the Code of Ethics or other possible breach of the public trust to the Florida Commission on Ethics (state commission).²⁹ SB 2 authorizes the state commission to investigate such referral if it determines by a supermajority vote that the referral is sufficient to indicate a violation.³⁰

Public Records and Meetings Exemptions Relating to Possible Ethics Violations

This bill amends subsection (2) of s. 112.324, F.S., to add new public records and meetings exemptions required by changes proposed in SB 2 to the existing public records and meetings exemptions related to complaints of possible ethics violations submitted to the state commission.

The bill clarifies that the existing public meetings exemption for any proceeding conducted by the state commission or a local government pursuant to a complaint or preliminary investigation is limited to those *portions of* proceedings that are conducted pursuant to a complaint or preliminary investigation.

The bill makes the following records temporarily confidential and exempt from s. 119.071(1), F.S., and s. 24(a), Art. I of the Florida Constitution:

- Written referrals of possible ethics violations and records relating to such referrals that are held by the state commission or its agents, the Governor, the Department of Law Enforcement, or a state attorney;³¹ and
- Records relating to any preliminary investigation of such referrals that are held by the state commission or its agents.

The bill also makes any portion of a proceeding conducted by the state commission in which a determination regarding a referral is discussed or acted upon temporarily exempt from s. 286.011, F.S.; s. 24(b), Art. I of the Florida Constitution; and s. 120.525, F.S.

²⁸ Section 112.324(2)(c), F.S.

²⁹ Lines 1314-1319 of the bill.

³⁰ The state commission consists of nine unpaid, appointed members (s. 112.321(1) and (3), F.S.). SB 2 requires a yes vote of six members to initiate an investigation based upon a referral.

³¹ United States Attorneys are not included in the exemption because a United States Attorney is a federal, not state, agency.

The bill subjects the new exemptions to the statutory conditions upon which the existing exemptions expire. It also adds “the commission determines that it will not investigate the referral” to such existing statutory conditions.

The bill extends the Open Government Sunset Review repeal date for s. 112.324(2), F.S., from October 2, 2015, to October 2, 2018.

The bill provides a public necessity statement as required by the Florida Constitution.

The bill takes effect on the same date that SB 2 takes effect. SB 2 is to take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created public records or public meetings exemption. Because this bill creates new public records and meetings exemptions, it requires a two-thirds vote for passage.

Public Necessity Statement

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

Single Subject

Section 24(c), Art. I of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain only exemptions from constitutional public records and open meetings requirements and provisions governing the enforcement of the section. This bill creates new public records and open meetings exemptions.

Lines 54-57 of the bill exempt any proceeding of the commission in which a determination regarding a referral is discussed or acted upon from s. 286.011, F.S., s. 24(b), Art. I of the Florida Constitution, and s. 120.525, F.S. Section 120.525, F.S., sets forth timing and content requirements for notices and agendas of public meetings, hearings, and workshops of agencies subject to ch. 120, F.S. It is unclear whether the inclusion of s. 120.525, F.S., in the exempted provisions constitutes a substantive provision.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Commission on Ethics, the Governor, the Department of Law Enforcement, and state attorneys may incur indeterminate administrative costs related to temporary maintenance of the confidentiality of referrals, related records, and records relating to preliminary investigations of referrals. The Commission on Ethics also may incur indeterminate administrative costs related to compliance with the public meetings exemption for proceedings relating to referrals. Any such indeterminate administrative costs would likely be insignificant.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

This bill is linked to Senate Bill 2.

VIII. **Additional Information:**

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

CS by Governmental Oversight and Accountability on February 6, 2013:

The CS differs from the original bill in that it:

- Does not amend a substantive current law restriction on times in which an ethics complaint may be filed or an intent to file such complaint may be disclosed.
- Clarifies that the current public meetings exemption relating to possible ethics violations and the public meetings exemption for referrals of possible ethics violations created by the bill apply only to *those portions of* proceedings at which confidential and exempt information is discussed.
- Clarifies that referrals are confidential and exempt when held by *a* state attorney, not by state attorneys in the plural.

B. Amendments:

None.

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

By the Committees on Governmental Oversight and Accountability;
and Ethics and Elections

585-01572-13

20134c1

1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 112.324, F.S.; creating an exemption from
4 public records requirements for written referrals and
5 related records held by the Commission on Ethics, the
6 Governor, the Department of Law Enforcement, or a
7 state attorney; creating an exemption for records
8 relating to a preliminary investigation held by the
9 Commission on Ethics; creating an exemption from
10 public meetings requirements for portions of
11 proceedings of the Commission on Ethics in which the
12 referrals are discussed or acted upon; providing for
13 future repeal and legislative review of the exemption
14 under the Open Government Sunset Review Act; providing
15 a statement of public necessity; providing a
16 contingent effective date.
17
18 Be It Enacted by the Legislature of the State of Florida:
19
20 Section 1. Subsection (2) of section 112.324, Florida
21 Statutes, is amended to read:
22 112.324 Procedures on complaints of violations; public
23 records and meeting exemptions.—
24 (2) (a) The complaint and records relating to the complaint
25 or to any preliminary investigation held by the commission or
26 its agents, by a Commission on Ethics and Public Trust
27 established by any county defined in s. 125.011(1) or by any
28 municipality defined in s. 165.031, or by any county or
29 municipality that has established a local investigatory process

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30 to enforce more stringent standards of conduct and disclosure
31 requirements as provided in s. 112.326 are confidential and
32 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
33 of the State Constitution.
34 (b) Written referrals and records relating to such
35 referrals held by the commission or its agents, the Governor,
36 the Department of Law Enforcement, or a state attorney, and
37 records relating to any preliminary investigation of such
38 referrals held by the commission or its agents, are confidential
39 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution.
41 (c) ~~(b)~~ Any portion of a proceeding conducted by the
42 commission, a Commission on Ethics and Public Trust, or a county
43 or municipality that has established such local investigatory
44 process, pursuant to a complaint or preliminary investigation,
45 is exempt from ~~the provisions of~~ s. 286.011, s. 24(b), Art. I of
46 the State Constitution, and s. 120.525.
47 (d) Any portion of a proceeding of the commission in which
48 a determination regarding a referral is discussed or acted upon
49 is exempt from s. 286.011 and s. 24(b), Art. I of the State
50 Constitution, and s. 120.525.
51 (e) ~~(c)~~ The exemptions in paragraphs (a)-(d) ~~(a) and (b)~~
52 apply until:
53 1. The complaint is dismissed as legally insufficient;
54 until
55 2. The alleged violator requests in writing that such
56 records and proceedings be made public;
57 3. The commission determines that it will not investigate
58 the referral; or until

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59 4. The commission, a Commission on Ethics and Public Trust,
60 or a county or municipality that has established such local
61 investigatory process determines, based on such investigation,
62 whether probable cause exists to believe that a violation has
63 occurred.

64 (f) In no event shall a complaint under this part against a
65 candidate in any general, special, or primary election be filed
66 or any intention of filing such a complaint be disclosed on the
67 day of any such election or within the 5 days immediately
68 preceding the date of the election.

69 (g) ~~(d)~~ This subsection is subject to the Open Government
70 Sunset Review Act in accordance with s. 119.15 and shall stand
71 repealed on October 2, 2018 ~~2015~~, unless reviewed and saved from
72 repeal through reenactment by the Legislature.

73 Section 2. (1) The Legislature finds that it is a public
74 necessity that written referrals and records relating to such
75 referrals held by the Commission on Ethics or its agents, the
76 Governor, the Department of Law Enforcement, or a state
77 attorney, and records relating to any preliminary investigation
78 of such referrals held by the Commission on Ethics or its
79 agents, be confidential and exempt from public records
80 requirements until the commission determines that it will not
81 investigate the referral, until the alleged violator requests in
82 writing that such records be made public, or until it is
83 determined by the commission based upon a preliminary
84 investigation of the referral whether probable cause exists to
85 believe that a violation has occurred. This exemption is
86 necessary because the release of such information could
87 potentially be defamatory to an individual under investigation,

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88 cause unwarranted damage to the reputation of such individual,
89 or significantly impair the integrity of the investigation.

90 (2) The Legislature also finds that it is a public
91 necessity that portions of proceedings of the Commission on
92 Ethics at which a determination regarding a referral is
93 discussed or acted upon be exempt from public meetings
94 requirements until the commission determines that it will not
95 investigate the referral, until the alleged violator requests in
96 writing that such proceedings be made public, or until it is
97 determined by the Commission on Ethics, based on a preliminary
98 investigation of the referral, whether probable cause exists to
99 believe that a violation has occurred. This exemption is
100 necessary because the release of such information could
101 potentially be defamatory to an individual under investigation,
102 cause unwarranted damage to the reputation of such individual,
103 or significantly impair the integrity of the investigation.

104 Section 3. This act shall take effect on the same date that
105 SB 2 or similar legislation takes effect, if such legislation is
106 adopted in the same legislative session or an extension thereof
107 and becomes a law.

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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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 686

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 7, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Law Revision)	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to adopt the Florida Statutes 2013 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

II. Present Situation:

The adoption act is enacted annually during each regular session. It prospectively adopts as an official document the edition of the Florida Statutes to be published following that session and provides a 1-year curing period for any possible errors in statutory material before it becomes the best evidence of the law. Currently, all statutes material passed through the 2011 Regular Session and printed in the 2012 edition has been adopted.

III. Effect of Proposed Changes:

The 2013 adoption act will adopt all statutes material passed through 2012 Special Session B and printed in the 2013 edition. Material passed in a session occurring since publication of the 2012 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

Other Potential Implications:

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2013 adoption act adopts as the official statute law of the state those portions of the 2013 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2012). Portions carried forward from the 2012 edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2012 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2012 Florida Statutes that does not appear in the 2013 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

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:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Thrasher

6-01518-13

2013686

A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2013 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2013 shall be effective immediately upon publication; providing that general laws enacted during the March 14-28, 2012, special session and prior thereto and not included in the Florida Statutes 2013 are repealed; providing that general laws enacted during the 2013 regular session are not repealed by this adoption act; providing an effective date.

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

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2013 ~~2012~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2013 ~~2012~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2013 ~~2012~~ enacted in additional reviser's bill or bills by the 2013 ~~2012~~ Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2013 ~~2012~~" and shall take effect

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immediately upon publication. Said statutes may be cited as "Florida Statutes 2013 ~~2012~~," "Florida Statutes," or "F.S. 2013 ~~2012~~."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the March 14-28, 2012, special ~~2011 regular~~ legislative session, and every part of such statute, not included in Florida Statutes 2013 ~~2012~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the 2013 ~~2012~~ regular session are not repealed by the adoption and enactment of the Florida Statutes 2013 ~~2012~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2013 ~~2012~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which

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59

enacted.

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 Rules

BILL: SB 688

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Law Revision)	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills. Responses to directives from the Legislature to make specific changes in the statutes, such as renaming a department, are also submitted to the Legislature via reviser’s bills.

The Division of Law Revision and Information was directed by the Legislature, in s. 3, ch. 2012-63, Laws of Florida, to replace all statutory references to the Florida Administrative Weekly with the term Florida Administrative Register..

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 106.25, 110.201, 120.525, 120.54, 120.542, 120.545, 120.555, 120.56, 120.565, 120.63, 120.745, 120.80, 120.81, 155.40, 159.703, 161.053, 202.22, 215.555, 252.62, 252.63, 255.0525, 280.11, 310.151, 320.642, 334.30, 339.135, 339.155, 343.875, 343.962, 348.0004, 349.22, 366.04, 373.036, 373.044, 373.103, 373.4131, 378.212, 379.2431, 380.05, 395.003, 403.201, 403.805, 403.8055, 403.9411, 403.9422, 408.039, 409.912, 493.6104, 553.775, 561.19, 570.247, 601.152, 627.091, 633.0215, 633.026, 658.26, 766.105, 791.013, 957.12, and 1006.33, F.S.

II. Present Situation:

Section 3, ch. 2012-63, Laws of Florida, directed the Division of Law Revision and Information to replace all statutory references to the Florida Administrative Weekly with references to the Florida Administrative Register.

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 3, ch. 2012-63, Laws of Florida, to replace statutory references to the Florida Administrative Weekly with references to the Florida Administrative Register.

Other Potential Implications:**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:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

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 Rules

BILL: SB 690

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Law Revision)	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills.

This is a general reviser’s bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser’s bill cannot be amended except to delete a bill section.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 11.45, 20.15, 20.28, 39.001, 39.0139, 39.201, 40.011, 61.1825, 63.082, 63.2325, 97.0585, 112.63, 120.54, 120.745, 121.055, 121.085, 121.091, 159.823, 163.3246, 163.340, 189.4042, 190.046, 211.02, 215.5601, 215.97, 218.32, 252.385, 252.939, 252.940, 252.941, 252.942, 253.034, 255.2575, 259.032, 282.201, 288.1254, 288.71025, 288.980, 295.07, 311.101, 316.0083, 316.640, 320.20, 322.142, 322.2615, 339.135, 339.2825, 341.840, 343.805, 343.91, 344.17, 348.752, 349.02, 373.227, 373.250, 373.536, 376.3071, 379.2433, 379.3581, 380.0662, 381.004, 381.00593, 381.0065, 381.0101, 391.026, 400.172, 400.915, 400.9905, 403.086,

403.511, 403.9416, 414.295, 420.503, 420.5087, 430.205, 430.80, 430.81, 443.091, 443.111, 443.171, 466.007, 475.6235, 489.118, 499.01, 500.09, 538.23, 553.98, 570.451, 580.036, 586.10, 601.03, 601.15, 601.61, 601.9910, 610.109, 624.402, 626.2815, 626.8734, 626.9362, 626.989, 626.9895, 627.3511, 641.312, 651.118, 817.234, 877.101, 921.0022, 945.355, 948.08, 948.16, 960.003, 985.03, 1003.43, 1003.52, 1006.062, 1006.20, 1006.282, 1009.67, 1009.971, and 1013.231, F.S.; reenacts and amends s. 339.0805, F.S.; and repeals ss. 202.38 and 252.945, F.S.

II. Present Situation:

The Division of Law Revision and Information, under the authority and requirements of s. 11.242, Florida Statutes, submits reviser's bills to the rules committees of both houses as needed. General reviser's bills to clean up obsolete language, update cross-references, and correct grammatical and typographical errors and the like are submitted every year.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will clean up grammatical and similar errors in the Florida Statutes.

Other Potential Implications:

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:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Rules (Thrasher) recommended the following:

Senate Amendment

Delete lines 3148 - 3251
and insert:

Section 79. Subsection (6) of section 430.205, Florida
Statutes, is amended to read:

430.205 Community care service system.—

(6) Notwithstanding other requirements of this chapter, the
Department of Elderly Affairs and the Agency for Health Care
Administration shall develop an integrated long-term-care
delivery system.

~~(a)~~ The duties of the integrated system shall include



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14 organizing and administering service delivery for the elderly,
15 obtaining contracts for services with providers in each service
16 area, monitoring the quality of services provided, determining
17 levels of need and disability for payment purposes, and other
18 activities determined by the department and the agency in order
19 to operate an integrated system.

20 ~~(b) During the 2004-2005 state fiscal year:~~

21 ~~1. The agency and the department shall reimburse providers~~
22 ~~for case management services on a capitated basis and develop~~
23 ~~uniform standards for case management within the Aged and~~
24 ~~Disabled Adult Medicaid waiver program. The coordination of~~
25 ~~acute and chronic medical services for individuals may be~~
26 ~~included in the capitated rate for case management services. The~~
27 ~~agency, in consultation with the department, shall adopt any~~
28 ~~rules necessary to comply with or administer these requirements.~~

29 ~~2. The Legislature finds that preservation of the historic~~
30 ~~aging network of lead agencies is essential to the well-being of~~
31 ~~Florida's elderly population. The Legislature finds that the~~
32 ~~Florida aging network constitutes a system of essential~~
33 ~~community providers which should be nurtured and assisted to~~
34 ~~develop systems of operations which allow the gradual assumption~~
35 ~~of responsibility and financial risk for managing a client~~
36 ~~through the entire continuum of long-term care services within~~
37 ~~the area the lead agency is currently serving, and which allow~~
38 ~~lead agency providers to develop managed systems of service~~
39 ~~delivery. The department, in consultation with the agency, shall~~
40 ~~therefore:~~

41 ~~a. Develop a demonstration project in which existing~~
42 ~~community care for the elderly lead agencies are assisted in~~



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43 ~~transferring their business model and the service delivery~~
44 ~~system within their current community care service area to~~
45 ~~enable assumption, over a period of time, of full risk as a~~
46 ~~community diversion pilot project contractor providing long term~~
47 ~~care services in the areas of operation. The department, in~~
48 ~~consultation with the agency and the Department of Children and~~
49 ~~Family Services, shall develop an implementation plan for no~~
50 ~~more than three lead agencies by October 31, 2004.~~

51 ~~b. In the demonstration area, a community care for the~~
52 ~~elderly lead agency shall be initially reimbursed on a prepaid~~
53 ~~or fixed-sum basis for all home and community-based services~~
54 ~~provided under the long-term care community diversion pilot~~
55 ~~project. By the end of the third year of operation, the lead~~
56 ~~agency shall be reimbursed on a prepaid or fixed-sum basis for~~
57 ~~all services under the long-term care community diversion pilot~~
58 ~~project.~~

59 ~~e. During the first year of operation, the department, in~~
60 ~~consultation with the agency, may place providers at risk to~~
61 ~~provide nursing home services for the enrolled individuals who~~
62 ~~are participating in the demonstration project. During the 3-~~
63 ~~year development period, the agency and the department may limit~~
64 ~~the level of custodial nursing home risk that the administering~~
65 ~~entities assume. Under risk-sharing arrangements, during the~~
66 ~~first 3 years of operation, the department, in consultation with~~
67 ~~the agency, may reimburse the administering entity for the cost~~
68 ~~of providing nursing home care for Medicaid-eligible~~
69 ~~participants who have been permanently placed and remain in a~~
70 ~~nursing home for more than 1 year, or may disenroll such~~
71 ~~participants from the demonstration project.~~



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72 ~~d. The agency, in consultation with the department, shall~~
73 ~~develop reimbursement rates based on the federally approved,~~
74 ~~actuarially certified rate methodology for the long-term care~~
75 ~~community diversion pilot project.~~

76 ~~e. The department, in consultation with the agency, shall~~
77 ~~ensure that the entity or entities receiving prepaid or fixed-~~
78 ~~sum reimbursement are assisted in developing internal management~~
79 ~~and financial control systems necessary to manage the risk~~
80 ~~associated with providing services under a prepaid or fixed-sum~~
81 ~~rate system.~~

82 ~~f. If the department and the agency share risk of custodial~~
83 ~~nursing home placement, payment rates during the first 3 years~~
84 ~~of operation shall be set at not more than 100 percent of the~~
85 ~~costs to the agency and the department of providing equivalent~~
86 ~~services to the population within the area of the pilot project~~
87 ~~for the year prior to the year in which the pilot project is~~
88 ~~implemented, adjusted forward to account for inflation and~~
89 ~~policy changes in the Medicaid program.~~

90 ~~g. Community care for the elderly lead agencies that have~~
91 ~~operated for a period of at least 20 years, which provide~~
92 ~~Medicare-certified services to elders, and which have developed~~
93 ~~a system of service provision by health care volunteers shall be~~
94 ~~given priority in the selection of the pilot project if they~~
95 ~~meet the minimum requirements specified in the competitive~~
96 ~~procurement.~~

97 ~~h. The agency and the department shall adopt rules~~
98 ~~necessary to comply with or administer these requirements,~~
99 ~~effect and implement interagency agreements between the agency~~
100 ~~and the department, and comply with federal requirements.~~



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101 ~~i. The department and the agency shall seek federal waivers~~
102 ~~necessary to implement the requirements of this section.~~

103 ~~j. The Department of Elderly Affairs shall conduct or~~
104 ~~contract for an evaluation of the demonstration project. The~~
105 ~~department shall submit the evaluation to the Governor and the~~
106 ~~Legislature by January 1, 2007. The evaluation must address the~~
107 ~~effectiveness of the pilot project in providing a comprehensive~~
108 ~~system of appropriate and high-quality, long-term care services~~
109 ~~to elders in the least restrictive setting and make~~
110 ~~recommendations on expanding the project to other parts of the~~
111 ~~state. This subparagraph is subject to an appropriation by the~~
112 ~~Legislature.~~

113 ~~3. The agency, in consultation with the department, shall~~
114 ~~work with the fiscal agent for the Medicaid program to develop a~~
115 ~~service utilization reporting system that operates through the~~
116 ~~fiscal agent for the capitated plans.~~

117 ~~(c) During the 2005-2006 state fiscal year:~~

118 ~~1. The agency, in consultation with the department, shall~~
119 ~~monitor the newly integrated programs and report on the progress~~
120 ~~of those programs to the Governor, the President of the Senate,~~
121 ~~and the Speaker of the House of Representatives by June 30,~~
122 ~~2006. The report must include an initial evaluation of the~~
123 ~~programs in their early stages following the evaluation plan~~
124 ~~developed by the department, in consultation with the agency and~~
125 ~~the selected contractor.~~

126 ~~2. The department shall monitor the pilot projects for~~
127 ~~resource centers on aging and report on the progress of those~~
128 ~~projects to the Governor, the President of the Senate, and the~~
129 ~~Speaker of the House of Representatives by June 30, 2006. The~~



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130 ~~report must include an evaluation of the implementation process~~
131 ~~in its early stages.~~

132 ~~3. The department, in consultation with the agency, shall~~
133 ~~integrate the database systems for the Comprehensive Assessment~~
134 ~~and Review for Long-Term Care Services (CARES) program and the~~
135 ~~Client Information and Referral Tracking System (CIRTS) into a~~
136 ~~single operating assessment information system by June 30, 2006.~~

137 ~~(d) During the 2006-2007 state fiscal year:~~

138 ~~1. The agency, in consultation with the department, shall~~
139 ~~evaluate the Alzheimer's Disease waiver program and the Adult~~
140 ~~Day Health Care waiver program to assess whether providing~~
141 ~~limited intensive services through these waiver programs~~
142 ~~produces better outcomes for individuals than providing those~~
143 ~~services through the fee-for-service or capitated programs that~~
144 ~~provide a larger array of services.~~

145 ~~2. The agency, in consultation with the department, shall~~
146 ~~begin discussions with the federal Centers for Medicare and~~
147 ~~Medicaid Services regarding the inclusion of Medicare into the~~
148 ~~integrated long-term care system. By December 31, 2006, the~~
149 ~~agency shall provide to the Governor, the President of the~~
150 ~~Senate, and the Speaker of the House of Representatives a plan~~
151 ~~for including Medicare in the integrated long-term care system.~~

152

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 Rules

BILL: SB 692

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Law Revision)	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills. A reviser’s bill cannot be amended except to delete a bill section.

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2011, by the 2010 Regular Session of the Legislature).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 206.608, 215.555, 220.02, 253.034, 332.007, 339.08, 339.135, 394.908, 401.465, 406.61, 893.055, and 946.515, F.S; repeals ss. 220.1896 and 1010.10, F.S.

II. Present Situation:

The Division of Law Revision and Information, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the

statutes text where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

This bill will delete sections that have already been repealed by the Legislature by substantive legislation that the Division of Law Revision and Information could not remove from the statutes text without the required inclusion in a reviser's bill.

Other Potential Implications:

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:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

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 Rules

BILL: SB 694

INTRODUCER: Senator Thrasher

SUBJECT: Florida Statutes

DATE: February 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pollitz (Law Revision)	Phelps	RC	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Division of Law Revision and Information of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills.

This bill deletes statutory provisions relating to apportionment of the districts for the State Senate and House of Representatives that have been superseded.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: repeals ss. 10.00001, 10.00002, 10.00003, 10.00004, 10.00005, 10.00006, 10.00007, and 10.00008 , F.S.

II. Present Situation:

Sections 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, and 10.18, Florida Statutes, were enacted by Committee Substitute for Senate Joint Resolution 1176, 2012 Regular Session; ss. 10.171 and 10.181 were enacted by Committee Substitute for Senate Joint Resolution 2-B, 2012 Special Session B, and s. 10.13 was amended by that joint resolution.. At present, material from

the 2002 apportionment resolution remains in the Florida Statutes. Section 11.242(2)(i), Florida Statutes, requires the Division of Law Revision and Information to place obsolete provisions in a reviser's bill for ratification of the repeals by the Legislature before the division may delete them from the text of the Florida Statutes.

III. Effect of Proposed Changes:

The effect of this bill is of a technical nature only; reviser's bills do not contain substantive changes. The bill will delete obsolete 2002 apportionment statutes that have been replaced by the 2012 apportionment statutes.

Other Potential Implications:

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:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

RULE TWO
COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees; select subcommittees

(1) The following standing committees with standing subcommittees are created:

- (a) Agriculture
- (b) Appropriations
 - 1. Subcommittee on Criminal and Civil Justice
 - 2. Subcommittee on Education
 - 3. Subcommittee on Finance and Tax
 - 4. Subcommittee on General Government
 - 5. Subcommittee on Health and Human Services
 - 6. Subcommittee on Transportation, Tourism, and Economic Development
- (c) Banking and Insurance
- (d) Children, Families, and Elder Affairs
- (e) Commerce and Tourism
- (f) Communications, Energy, and Public Utilities
- (g) Community Affairs
- (h) Criminal Justice
- (i) Education
- (j) Environmental Preservation and Conservation
- (k) Ethics and Elections
- (l) Gaming
- (m) Governmental Oversight and Accountability
- (n) Health Policy
- (o) Judiciary
- (p) Military and Veterans Affairs, Space, and Domestic Security
- (q) Reapportionment
- (r) Regulated Industries
- (s) Rules
- (t) Transportation

(2) Permanent standing committees and standing subcommittees, when created and designated by Senate Rule, shall exist and operate both during and between sessions.

See Rule 1.5—The President's appointment of committees.

(3) No standing committee shall consist of fewer than five (5) members.

(4) A select subcommittee may be appointed by a standing committee or the chair thereof, with prior approval of the President.

- (a) A select subcommittee may study or investigate a specific issue falling within the jurisdiction of the standing committee or hear a bill referred to it.
- (b) The President and the Secretary shall be promptly notified of the appointment of a select subcommittee, its assignment, and the time allowed for the assignment, and shall be notified on completion of the assignment.
- (c) Select subcommittees shall be governed by the Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment or thirty (30) days, whichever is less, unless extended by the President.
- (d) The advisory report by a select subcommittee whether favorable or unfavorable shall be

reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.