

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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

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BILL: CS/CS/CS/SB 846. 2nd Eng.

INTRODUCER: Appropriations Committee; Community Affairs Committee; Ethics and Elections Committee and Senator Latvala

SUBJECT: Governmental Ethics

DATE: May 2, 2014

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**I. Amendments Contained in Message:**

**House Amendment 1— 957295** (body with title)

**II. Summary of Amendments Contained in Message:**

**House Amendment 1— 957295** (body with title)

This amendment is a strike-all amendment. It is substantially similar to SB 846 except:

- It removes the two year post service lobbying ban by members of the Florida Clerk of Courts Corporation, Enterprise Florida, the divisions of Enterprise Florida, the Florida Development Finance Corporation, and the general prohibition against members of the Board of Directors of Citizens Property Insurance from lobbying for two years after the end of their service on the board;
- The Senate Bill permitted the Ethics Commission to initiate investigations of financial disclosure filers who failed to file a financial disclosure form and had accrued the maximum automatic fine allowed by statute. The strike-all amendment *requires* the Ethics Commission to initiate those investigations;
- The strike-all removes the authority to withhold up to 100% of a public officer or public employee's salary until satisfaction of an unpaid financial disclosure fine. Current law permits withholding of up to 10% of a public officer's or employee's public salary;
- The strike-all narrows the scope of the special district lobbying registration provision to require only lobbyists of water management districts to register with the water management district prior to lobbying;
- The amendment requires the Ethics Commission to interpret the term "lobbies" in the new water management district lobbyist registration system consistent with the rules adopted pursuant to the Executive Branch Lobbying laws;
- The amendment also authorizes water management districts to adopt rules to establish procedures to govern the registration of lobbyists, including the adoption of forms and the establishment of a lobbyist registration fee;
- This amendment provides that members of the Board of Directors of Visit Florida are exempt from the voting conflicts provisions and disclosure requirements when they are voting on the four year marketing plan required pursuant to s. 288.923, Florida Statutes, or participating in

the establishment or calculation of payments related to the private match requirements in s. 288.904(3), Florida Statutes;

- It requires members of the board to file an annual disclosure of his or her interests or the interests of his or her principals, including parent and subsidiary corporations of corporate principals. This disclosure also satisfies the disclosure requirement in the voting conflict statute. It must be made available on Visit Florida's website or inserted into the minutes of each meeting at which the private match requirements are voted upon or discussed;
- The strike-all amendment applies additional ethical standards to the Miami-Dade Expressway Authority. The Miami-Dade Expressway Authority members and staff are already subject to the state Code of Ethics. However, this amendment applies almost the identical ethics standards that were adopted with passage of SB 230 dealing with the Orlando Orange County Expressway Authority. Specifically, it:
  - Provides that a lobbyist may not be appointed or serve as a member of the authority;
  - Prohibits a board member and executive director from representing another person or entity for compensation before the Authority for two years after the end of their service on the board;
  - Prohibits the member or executive director from going being employed by, or contracting with, a business entity in connection with a contract that he or she personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or executive director;
  - Provides that the authority's general counsel shall also serve as the authority's ethics officer;
  - Provides members, employees, and consultants who hold positions that may influence authority decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out authority business. To prevent such conflicts of interest and preserve the integrity and transparency of the authority to the public, the following disclosures must be made annually on a disclosure form:
    - Any relationship that a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant, or to a relative or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest. As used in this subsection, the term "relative" has the same meaning as provided in s. 112.312;
    - Whether a relative of such board member, employee, or consultant is a registered lobbyist and, if so, the names of such lobbyist's clients. Such names shall be provided in writing to the ethics officer; and
    - Any and all interests in real property that such board member, employee, or consultant has, or that an immediate family member of such board member, employee, or consultant has, if such real property is located in, or within a 1/2-mile radius of, any actual or prospective authority roadway project. The executive director shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all board members, employees, and consultants.
  - Requires those disclosure forms to be reviewed by the ethics officer or, if a form is filed by the general counsel, by the executive director.
  - Provides that the conflict of interest process shall be outlined in the authority's code of ethics;

- Provides that authority employees and consultants are prohibited from serving on the governing body of the authority while employed by or under contract with the authority;
- Specifies that the code of ethics policy shall be reviewed and updated by the ethics officer and presented for board approval at least once every 2 years;
- Requires employees to be adequately informed and trained on the code of ethics and shall continually participate in ongoing ethics education; and
- Clarifies that these requirements are in addition to requirements that the members and the executive director of the authority are required to follow under chapter 112 and that these additional violations are punishable in accordance with s. 112.317. (Penalties ranging from censure/reprimand to removal, and a civil penalty up to \$10,000 per violation.)