

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to ethics; amending s. 112.3143, F.S.;  
3       prohibiting a state public officer from voting in an  
4       official capacity on any measure that he or she knows  
5       would inure to the special private gain or loss of  
6       certain principals, parent organizations or  
7       subsidiaries of a corporate principal, relatives, or  
8       business associates of the officer; revising  
9       disclosure requirements applicable to state public  
10      officers in the event of a voting conflict;  
11      prohibiting any public officer from participating in  
12      any matter that would inure to the officer's special  
13      private gain or loss or that he or she knows would  
14      inure to the special private gain or loss of certain  
15      principals, parent organizations or subsidiaries of a  
16      corporate principal, relatives, or business associates  
17      of the officer; prescribing disclosure requirements;  
18      amending s. 112.317, F.S.; authorizing a person who  
19      has filed a complaint against a public officer or  
20      employee to recover costs and reasonable attorney fees  
21      if he or she prevails against a respondent's fee  
22      petition; requiring the Commission on Ethics to  
23      forward information regarding a respondent's failure  
24      to voluntarily pay such costs and fees within a  
25      certain timeframe to the Department of Legal Affairs;  
26      requiring the department to bring a civil action to  
27      recover such costs and fees owed to a complainant;  
28      amending ss. 288.1226, 310.151, 627.351, 1002.33,  
29      1002.333, and 1002.83, F.S.; conforming provisions and

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30 cross-references to changes made by the act;  
31 reenacting ss. 28.35(1)(b), 112.3251, 288.901(1)(c),  
32 288.92(2)(b), and 288.9604(3)(a), F.S., relating to  
33 standards of conduct for public officers, to  
34 incorporate the amendment made to s. 112.3143, F.S.,  
35 in references thereto; providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. Present subsections (3) through (6) of section  
40 112.3143, Florida Statutes, are renumbered as subsections (2)  
41 through (5), respectively, and present subsections (2), (3), and  
42 (4) of that section are amended, to read:

43 112.3143 Voting conflicts.—

44 ~~(2)(a) A state public officer may not vote on any matter  
45 that the officer knows would inure to his or her special private  
46 gain or loss. Any state public officer who abstains from voting  
47 in an official capacity upon any measure that the officer knows  
48 would inure to the officer's special private gain or loss, or  
49 who votes in an official capacity on a measure that he or she  
50 knows would inure to the special private gain or loss of any  
51 principal by whom the officer is retained or to the parent  
52 organization or subsidiary of a corporate principal by which the  
53 officer is retained other than an agency as defined in s.  
54 112.312(2); or which the officer knows would inure to the  
55 special private gain or loss of a relative or business associate  
56 of the public officer, shall make every reasonable effort to  
57 disclose the nature of his or her interest as a public record in  
58 a memorandum filed with the person responsible for recording the~~

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59 ~~minutes of the meeting, who shall incorporate the memorandum in~~  
60 ~~the minutes. If it is not possible for the state public officer~~  
61 ~~to file a memorandum before the vote, the memorandum must be~~  
62 ~~filed with the person responsible for recording the minutes of~~  
63 ~~the meeting no later than 15 days after the vote.~~

64 ~~(b) A member of the Legislature may satisfy the disclosure~~  
65 ~~requirements of this section by filing a disclosure form created~~  
66 ~~pursuant to the rules of the member's respective house if the~~  
67 ~~member discloses the information required by this subsection.~~

68 ~~(2) (a) (3) (a) A state, No county, municipal, or other local~~  
69 ~~public officer may not shall vote in an official capacity upon~~  
70 ~~any measure which would inure to his or her special private gain~~  
71 ~~or loss; which he or she knows would inure to the special~~  
72 ~~private gain or loss of any principal by whom he or she is~~  
73 ~~retained or to the parent organization or subsidiary of a~~  
74 ~~corporate principal by which he or she is retained, other than~~  
75 ~~an agency as defined in s. 112.312(2); or which he or she knows~~  
76 ~~would inure to the special private gain or loss of a relative or~~  
77 ~~business associate of the public officer. Such public officer~~  
78 ~~shall, before ~~prior to~~ the vote being taken, publicly state to~~  
79 ~~the assembly the nature of the officer's interest in the matter~~  
80 ~~from which he or she is abstaining from voting and, within 15~~  
81 ~~days after the vote occurs, disclose the nature of his or her~~  
82 ~~interest as a public record in a memorandum filed with the~~  
83 ~~person responsible for recording the minutes of the meeting, who~~  
84 ~~shall incorporate the memorandum in the minutes.~~

85 (b) However, a commissioner of a community redevelopment  
86 agency created or designated pursuant to s. 163.356 or s.  
87 163.357, or an officer of an independent special tax district

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88 elected on a one-acre, one-vote basis, is not prohibited from  
89 voting, when voting in said capacity.

90 (3)(4) A state, county, municipal, or other ~~No appointed~~  
91 public officer may not shall participate in any matter which  
92 would inure to the officer's special private gain or loss; which  
93 the officer knows would inure to the special private gain or  
94 loss of any principal by whom he or she is retained or to the  
95 parent organization or subsidiary of a corporate principal by  
96 which he or she is retained; or which he or she knows would  
97 inure to the special private gain or loss of a relative or  
98 business associate of the public officer, without first  
99 disclosing the nature of his or her interest in the matter.

100 (a) Such disclosure, indicating the nature of the conflict,  
101 shall be made in a written memorandum filed with the person  
102 responsible for recording the minutes of the meeting, before  
103 ~~prior to~~ the meeting in which consideration of the matter will  
104 take place, and shall be incorporated into the minutes. Any such  
105 memorandum shall become a public record upon filing, shall  
106 immediately be provided to the other members of the agency, and  
107 shall be read publicly at the next meeting held subsequent to  
108 the filing of this written memorandum.

109 (b) In the event that disclosure has not been made before  
110 ~~prior to~~ the meeting or that any conflict is unknown before  
111 ~~prior to~~ the meeting, the disclosure shall be made orally at the  
112 meeting when it becomes known that a conflict exists. A written  
113 memorandum disclosing the nature of the conflict shall then be  
114 filed within 15 days after the oral disclosure with the person  
115 responsible for recording the minutes of the meeting and shall  
116 be incorporated into the minutes of the meeting at which the

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117 oral disclosure was made. Any such memorandum shall become a  
118 public record upon filing, shall immediately be provided to the  
119 other members of the agency, and shall be read publicly at the  
120 next meeting held subsequent to the filing of this written  
121 memorandum.

122 (c) For purposes of this subsection, the term "participate"  
123 means any attempt to influence the decision by oral or written  
124 communication, whether made by the officer or at the officer's  
125 direction.

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

128 112.317 Penalties.—

129 (7) In any case in which the commission determines that a  
130 person has filed a complaint against a public officer or  
131 employee with a malicious intent to injure the reputation of  
132 such officer or employee by filing the complaint with knowledge  
133 that the complaint contains one or more false allegations or  
134 with reckless disregard for whether the complaint contains false  
135 allegations of fact material to a violation of this part, the  
136 complainant is ~~shall be~~ liable for costs plus reasonable  
137 attorney fees incurred in the defense of the respondent in the  
138 original proceeding ~~person complained against~~, including the  
139 costs and reasonable attorney fees incurred in proving  
140 entitlement to and the amount of costs and fees. If the  
141 complainant prevails against a respondent's action to recover  
142 costs and fees, the respondent is liable to the complainant for  
143 costs plus reasonable attorney fees incurred by the complainant  
144 in the filing of the complaint and in defending against the  
145 respondent's action. If the complainant or the respondent fails

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146 to pay such costs and fees voluntarily within 30 days following  
147 such finding by the commission, the commission shall forward  
148 such information to the Department of Legal Affairs, which shall  
149 bring a civil action in a court of competent jurisdiction to  
150 recover the amount of such costs and fees awarded by the  
151 commission.

152 Section 3. Paragraph (c) of subsection (2) of section  
153 288.1226, Florida Statutes, is amended to read:

154 288.1226 Florida Tourism Industry Marketing Corporation;  
155 use of property; board of directors; duties; audit.—

156 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
157 Corporation is a direct-support organization of Enterprise  
158 Florida, Inc.

159 (c)1. The corporation is not an agency for the purposes of  
160 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,  
161 relating to leasing of buildings; ss. 283.33 and 283.35,  
162 relating to bids for printing; s. 215.31; and parts I, II, and  
163 IV-VIII of chapter 112. However, the corporation shall comply  
164 with the per diem and travel expense provisions of s. 112.061.

165 2. It is not a violation of s. 112.3143(2) or (3) ~~(4)~~ for  
166 the officers or members of the board of directors of the  
167 corporation to:

168 a. Vote on the 4-year marketing plan required under s.  
169 288.923 or vote on any individual component of or amendment to  
170 the plan.

171 b. Participate in the establishment or calculation of  
172 payments related to the private match requirements of subsection  
173 (6). The officer or member must file an annual disclosure  
174 describing the nature of his or her interests or the interests

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175 of his or her principals, including corporate parents and  
176 subsidiaries of his or her principal, in the private match  
177 requirements. This annual disclosure requirement satisfies the  
178 disclosure requirement of s. 112.3143(3) ~~s. 112.3143(4)~~. This  
179 disclosure must be placed on the corporation's website or  
180 included in the minutes of each meeting of the corporation's  
181 board of directors at which the private match requirements are  
182 discussed or voted upon.

183 Section 4. Paragraph (c) of subsection (1) of section  
184 310.151, Florida Statutes, is amended to read:

185 310.151 Rates of pilotage; Pilotage Rate Review Committee.—

186 (1)

187 (c) Committee members shall comply with the disclosure  
188 requirements of s. 112.3143(3) ~~s. 112.3143(4)~~ if participating  
189 in any matter that would result in special private gain or loss  
190 as described in that subsection.

191 Section 5. Paragraph (d) of subsection (6) of section  
192 627.351, Florida Statutes, is amended to read:

193 627.351 Insurance risk apportionment plans.—

194 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

195 (d)1. All prospective employees for senior management  
196 positions, as defined by the plan of operation, are subject to  
197 background checks as a prerequisite for employment. The office  
198 shall conduct the background checks pursuant to ss. 624.34,  
199 624.404(3), and 628.261.

200 2. On or before July 1 of each year, employees of the  
201 corporation must sign and submit a statement attesting that they  
202 do not have a conflict of interest, as defined in part III of  
203 chapter 112. As a condition of employment, all prospective

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204 employees must sign and submit to the corporation a conflict-of-  
205 interest statement.

206 3. The executive director, senior managers, and members of  
207 the board of governors are subject to part III of chapter 112,  
208 including, but not limited to, the code of ethics and public  
209 disclosure and reporting of financial interests, pursuant to s.  
210 112.3145. For purposes of applying part III of chapter 112 to  
211 activities of the executive director, senior managers, and  
212 members of the board of governors, those persons shall be  
213 considered public officers or employees and the corporation  
214 shall be considered their agency. ~~Notwithstanding s.~~  
215 ~~112.3143(2)~~, A board member may not vote on any measure that  
216 would inure to his or her special private gain or loss; that he  
217 or she knows would inure to the special private gain or loss of  
218 any principal by whom he or she is retained or to the parent  
219 organization or subsidiary of a corporate principal by which he  
220 or she is retained, other than an agency as defined in s.  
221 112.312; or that he or she knows would inure to the special  
222 private gain or loss of a relative or business associate of the  
223 public officer. Before the vote is taken, such member shall  
224 publicly state to the assembly the nature of his or her interest  
225 in the matter from which he or she is abstaining from voting  
226 and, within 15 days after the vote occurs, disclose the nature  
227 of his or her interest as a public record in a memorandum filed  
228 with the person responsible for recording the minutes of the  
229 meeting, who shall incorporate the memorandum in the minutes.  
230 Senior managers and board members are also required to file such  
231 disclosures with the Commission on Ethics and the Office of  
232 Insurance Regulation. The executive director of the corporation



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233 or his or her designee shall notify each existing and newly  
234 appointed member of the board of governors and senior managers  
235 of their duty to comply with the reporting requirements of part  
236 III of chapter 112. At least quarterly, the executive director  
237 or his or her designee shall submit to the Commission on Ethics  
238 a list of names of the senior managers and members of the board  
239 of governors who are subject to the public disclosure  
240 requirements under s. 112.3145.

241 4. Notwithstanding s. 112.3148, s. 112.3149, or any other  
242 provision of law, an employee or board member may not knowingly  
243 accept, directly or indirectly, any gift or expenditure from a  
244 person or entity, or an employee or representative of such  
245 person or entity, which has a contractual relationship with the  
246 corporation or who is under consideration for a contract. An  
247 employee or board member who fails to comply with subparagraph  
248 3. or this subparagraph is subject to penalties provided under  
249 ss. 112.317 and 112.3173.

250 5. Any senior manager of the corporation who is employed on  
251 or after January 1, 2007, regardless of the date of hire, who  
252 subsequently retires or terminates employment is prohibited from  
253 representing another person or entity before the corporation for  
254 2 years after retirement or termination of employment from the  
255 corporation.

256 6. The executive director, members of the board of  
257 governors, and senior managers of the corporation are prohibited  
258 from having any employment or contractual relationship for 2  
259 years after retirement from or termination of service to the  
260 corporation with an insurer that has entered into a take-out  
261 bonus agreement with the corporation.

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262 Section 6. Paragraph (a) of subsection (26) of section  
263 1002.33, Florida Statutes, is amended to read:

264 1002.33 Charter schools.—

265 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

266 (a) A member of a governing board of a charter school,  
267 including a charter school operated by a private entity, is  
268 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(2)  
269 ~~112.3143(3)~~.

270 Section 7. Paragraph (f) of subsection (6) of section  
271 1002.333, Florida Statutes, is amended to read:

272 1002.333 Persistently low-performing schools.—

273 (6) STATUTORY AUTHORITY.—

274 (f) Schools of hope operated by a hope operator shall be  
275 exempt from chapters 1000-1013 and all school board policies.  
276 However, a hope operator shall be in compliance with the laws in  
277 chapters 1000-1013 relating to:

278 1. The student assessment program and school grading  
279 system.

280 2. Student progression and graduation.

281 3. The provision of services to students with disabilities.

282 4. Civil rights, including s. 1000.05, relating to  
283 discrimination.

284 5. Student health, safety, and welfare.

285 6. Public meetings and records, public inspection, and  
286 criminal and civil penalties pursuant to s. 286.011. The  
287 governing board of a school of hope must hold at least two  
288 public meetings per school year in the school district in which  
289 the school of hope is located. Any other meetings of the  
290 governing board may be held in accordance with s. 120.54(5)(b)2.

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291 7. Public records pursuant to chapter 119.

292 8. The code of ethics for public officers and employees  
293 pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(2)  
294 ~~112.3143(3)~~.

295 Section 8. Subsection (8) of section 1002.83, Florida  
296 Statutes, is amended to read:

297 1002.83 Early learning coalitions.—

298 (8) Each member of an early learning coalition is subject  
299 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
300 112.3143(2)(a) ~~s. 112.3143(3)(a)~~, each voting member is a ~~local~~  
301 public officer who must abstain from voting when a voting  
302 conflict exists.

303 Section 9. For the purpose of incorporating the amendment  
304 made by this act to section 112.3143, Florida Statutes, in a  
305 reference thereto, paragraph (b) of subsection (1) of section  
306 28.35, Florida Statutes, is reenacted to read:

307 28.35 Florida Clerks of Court Operations Corporation.—

308 (1)

309 (b)1. The executive council shall be composed of eight  
310 clerks of the court elected by the clerks of the courts for a  
311 term of 2 years, with two clerks from counties with a population  
312 of fewer than 100,000, two clerks from counties with a  
313 population of at least 100,000 but fewer than 500,000, two  
314 clerks from counties with a population of at least 500,000 but  
315 fewer than 1 million, and two clerks from counties with a  
316 population of 1 million or more. The executive council shall  
317 also include, as ex officio members, a designee of the President  
318 of the Senate and a designee of the Speaker of the House of  
319 Representatives. The Chief Justice of the Supreme Court shall

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320 designate one additional member to represent the state courts  
321 system.

322 2. Members of the executive council of the corporation are  
323 subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135;  
324 and 112.3143(2). For purposes of applying ss. 112.313(1)-(8),  
325 (10), (12), and (15); 112.3135; and 112.3143(2) to activities of  
326 executive council members, members shall be considered public  
327 officers and the corporation shall be considered the members'  
328 agency.

329 Section 10. For the purpose of incorporating the amendment  
330 made by this act to section 112.3143, Florida Statutes, in a  
331 reference thereto, section 112.3251, Florida Statutes, is  
332 reenacted to read:

333 112.3251 Citizen support and direct-support organizations;  
334 standards of conduct.—A citizen support or direct-support  
335 organization created or authorized pursuant to law must adopt  
336 its own ethics code. The ethics code must contain the standards  
337 of conduct and disclosures required under ss. 112.313 and  
338 112.3143(2), respectively. However, an ethics code adopted  
339 pursuant to this section is not required to contain the  
340 standards of conduct specified in s. 112.313(3) or (7). The  
341 citizen support or direct-support organization may adopt  
342 additional or more stringent standards of conduct and disclosure  
343 requirements if those standards of conduct and disclosure  
344 requirements do not otherwise conflict with this part. The  
345 ethics code must be conspicuously posted on the citizen support  
346 or direct-support organization's website.

347 Section 11. For the purpose of incorporating the amendment  
348 made by this act to section 112.3143, Florida Statutes, in a

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349 reference thereto, paragraph (c) of subsection (1) of section  
350 288.901, Florida Statutes, is reenacted to read:

351 288.901 Enterprise Florida, Inc.—

352 (1) CREATION.—

353 (c) The president, senior managers, and members of the  
354 board of directors of Enterprise Florida, Inc., are subject to  
355 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
356 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10),  
357 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
358 president, senior managers, and members of the board of  
359 directors, those persons shall be considered public officers or  
360 employees and the corporation shall be considered their agency.  
361 The exemption set forth in s. 112.313(12) for advisory boards  
362 applies to the members of Enterprise Florida, Inc., board of  
363 directors. Further, each member of the board of directors who is  
364 not otherwise required to file financial disclosures pursuant to  
365 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
366 file disclosure of financial interests pursuant to s. 112.3145.

367 Section 12. For the purpose of incorporating the amendment  
368 made by this act to section 112.3143, Florida Statutes, in a  
369 reference thereto, paragraph (b) of subsection (2) of section  
370 288.92, Florida Statutes, is reenacted to read:

371 288.92 Divisions of Enterprise Florida, Inc.—

372 (2)

373 (b)1. The following officers and board members are subject  
374 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
375 112.3143(2):

376 a. Officers and members of the board of directors of the  
377 divisions of Enterprise Florida, Inc.

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378           b. Officers and members of the board of directors of  
379 subsidiaries of Enterprise Florida, Inc.

380           c. Officers and members of the board of directors of  
381 corporations created to carry out the missions of Enterprise  
382 Florida, Inc.

383           d. Officers and members of the board of directors of  
384 corporations with which a division is required by law to  
385 contract to carry out its missions.

386           2. For purposes of applying ss. 112.313(1)-(8), (10), (12),  
387 and (15); 112.3135; and 112.3143(2) to activities of the  
388 officers and members of the board of directors specified in  
389 subparagraph 1., those persons shall be considered public  
390 officers or employees and the corporation shall be considered  
391 their agency.

392           Section 13. For the purpose of incorporating the amendment  
393 made by this act to section 112.3143, Florida Statutes, in a  
394 reference thereto, paragraph (a) of subsection (3) of section  
395 288.9604, Florida Statutes, is reenacted to read:

396           288.9604 Creation of the authority.—

397           (3)(a)1. A director may not receive compensation for his or  
398 her services, but is entitled to necessary expenses, including  
399 travel expenses, incurred in the discharge of his or her duties.  
400 Each director shall hold office until his or her successor has  
401 been appointed.

402           2. Directors are subject to ss. 112.313(1)-(8), (10), (12),  
403 and (15); 112.3135; and 112.3143(2). For purposes of applying  
404 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
405 112.3143(2) to activities of directors, directors shall be  
406 considered public officers and the corporation shall be

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407 considered their agency.

408 Section 14. This act shall take effect July 1, 2018.