

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 1466 — Government Accountability

by Governmental Oversight and Accountability Committee and Senators Baxley and Broxson

Abuse of Public Office; Special Districts and Community Development Districts

The Florida Code of Ethics contains standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in state and local government, with the exception of judges. The Code of Ethics contains several exceptions to what is otherwise considered prohibited conduct. Many of these exceptions apply to board members and employees of special districts and community development districts.

Effective December 31, 2020, Amendment 12 of the 2018 Constitution Revision Commission amended Article II, s. 8, State Constitution, to prohibit a public officer or public employee from abusing his or her public position in order to obtain a "disproportionate benefit." Pursuant to Amendment 12, the Florida Commission on Ethics adopted Rule 34-18.001, Florida Administrative Code, to define disproportionate benefit and prescribe the requisite intent for finding a violation of the prohibition against abuse of public position.

The bill amends current law to exclude certain acts or omissions by board members or employees of special districts or community development districts from being considered abuse of public position under Article II, s. 8, State Constitution, if such acts or omissions are authorized under specific provisions of the Code of Ethics.

Special District Websites

The bill alters certain information reporting requirements on a special district's official website. Each special district is required to maintain an official website containing essential information about the district including the posting of its most recent audit report, a public facilities report, and special district meeting or workshop materials.

The bill allows a special district to satisfy the required posting of its most recent audit report on its own website by providing a link to the most recent audit report maintained on the Auditor General's website. Additionally, the bill removes the requirement for online posting of a special district's public facilities report and meeting or workshop materials. Required posting of a special district meeting or workshop agenda remains.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0