

COMMITTEE MEETING EXPANDED AGENDA**RULES SUBCOMMITTEE ON ETHICS AND ELECTIONS****Senator Diaz de la Portilla, Chair****Senator Detert, Vice Chair****MEETING DATE:** Monday, April 11, 2011**TIME:** 9:00 a.m.—12:00 noon**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Diaz de la Portilla, Chair; Senator Detert, Vice Chair; Senators Alexander, Braynon, Dockery, Evers, Gaetz, Joyner, Oelrich, Richter, Simmons, Smith, Sobel, and Thrasher

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Secretary of Juvenile Justice			
1	Walters, Wansley Hancock ()	Pleasure of Governor	
Secretary of the Department of the Lottery			
2	O'Connell, Cynthia F. (Tallahassee)	Pleasure of Governor	
Secretary of Management Services			
3	Miles, John P. (Winter Park)	Pleasure of Governor	
Florida Public Service Commission			
4	Balbis, Eduardo E. (West Palm Beach)	01/01/2015	
	Brise, Ronald A. (North Miami)	01/01/2014	
	Brown, Julie I. (Tampa)	01/01/2015	
	Graham, Art (Jacksonville Beach)	01/01/2014	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1322 Jones	Legislative Lobbying Expenditures; Specifies that the term "expenditure" does not include the salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service. Prohibits a member or employee of the Legislature from soliciting or accepting an expenditure from a lobbyist or principal when the expenditure is for the personal benefit of the member, an employee, or others. Establishes new expenditure limitations, etc.	
		EE 04/11/2011 RC BC	

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Wansley Hancock Walters
Secretary of Juvenile Justice

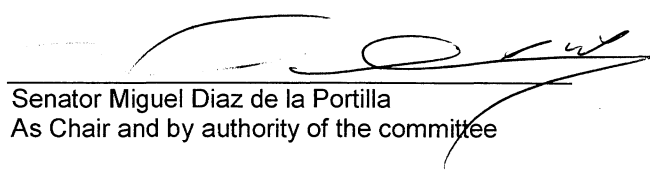
NOTICE OF HEARING

TO: Mrs. Wansley Hancock Walters

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Criminal Justice
MEETING DATE: Monday, April 04, 2011
TIME: 3:15 —5:15 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Secretary of Juvenile Justice

Appointee: Walters, Wansley Hancock

Term: 2/1/2011-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Walters, Wansley Hancock

Appointed: 02/08/2011

Term: 02/01/2011 – Pleasure of Governor

Prior Term:

City/County: Miami-Dade

Office: Secretary of Juvenile Justice

Authority: 20.316(1), F.S.

Reference(s): Committee on Criminal Justice-Recommend Confirm-04/04/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 3/23/11
8. Meets Requirements of Law	X		
9. Conviction Record			
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Secretary of Juvenile Justice

Compensation: \$140,000.12 per year as of March 11, 2011.

Requirements: The Secretary is appointed by the Governor, subject to confirmation by the Senate.

Additional Requirements: The Secretary shall serve at the pleasure of the Governor. Required to file Form 1 with the Commission on Ethics.

Notes: Number 19 - Mrs. Hancock was a Miami-Dade County employee for the past 30 years and held the position of Director of the Miami-Dade County Juvenile Services Department from 1997-2/2011.
Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Cynthia F. O'Connell
Secretary of the Department of the Lottery

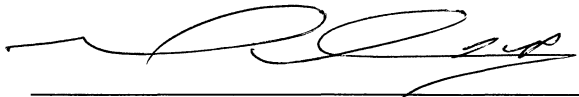
NOTICE OF HEARING

TO: Mrs. Cynthia F. O'Connell

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Regulated Industries
MEETING DATE: Tuesday, March 29, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Regulated Industries

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Secretary of the Department of the Lottery

Appointee: O'Connell, Cynthia F.

Term: 2/9/2011-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: O'Connell, Cynthia F.

Appointed: 02/08/2011

Term: 02/09/2011 – Pleasure of Governor

Prior Term:

City/County: Tallahassee/Leon

Office: Secretary of the Department of the Lottery, Secretary

Authority: 20.317(1), F.S.

Reference(s): Committee on Regulated Industries-Recommend Confirm-03/29/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/25/11
8. Meets Requirements of Law	X		
9. Conviction Record			
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist			

Occupation: Secretary, Department of the Lottery

Compensation: \$140,000.04 per year as of March 21, 2011.

Requirements: The Secretary is appointed by the Governor, subject to confirmation by the Senate.

Additional Requirements: The Secretary shall serve at the pleasure of the Governor. Required to file Form 1 with the Commission on Ethics.

Notes: Number 15 - Mrs. O'Connell reported she was a public relations consultant to Florida Virtual School and also was a consultant subcontractor to a primary contractor on an Agency for Workforce Innovation communications audit, within the past four years.
Number 18 - Mrs. O'Connell served on the University of Florida, Board of Trustees from 7/1/2001 to 1/6/2011.
Number 19 - Mrs. O'Connell worked for the Florida Department of Lottery from 1988-1991 as the Director of Promotions.
Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

John P. Miles

Secretary of Management Services

NOTICE OF HEARING

TO: Mr. John P. Miles

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Governmental Oversight and Accountability
MEETING DATE: Wednesday, March 30, 2011
TIME: 3:45 —5:45 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Governmental Oversight and Accountability

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Secretary of Management Services

Appointee: Miles, John P.

Term: 1/24/2011-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Miles, John P.

Appointed: 02/04/2011

Term: 01/24/2011 – Pleasure of Governor

Prior Term:

City/County: Winter Park/Orange

Office: Secretary of Management Services, Secretary

Authority: 20.22(1), F.S.

Reference(s): Committee on Governmental Oversight and Accountability-Recommend Confirm-03/30/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		See Below
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 2/7/11
8. Meets Requirements of Law	X		
9. Conviction Record			
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Secretary, Department of Management Services

Compensation: \$140,000.12 per year as of March 11, 2011.

Requirements: The Secretary is appointed by the Governor, subject to confirmation by the Senate.

Additional Requirements: The Secretary shall serve at the pleasure of the Governor. Required to file Form 1 with the Commission on Ethics.

Notes: Number 3 - Mr. Miles has dual citizenship with Canada.
Number 6 - Mr. Miles served in the United States Navy from 1970-1976.
Number 17 - Mr. Miles is a Notary Public, 6/14/2010-6/13/2014.
Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Eduardo E. Balbis
Florida Public Service Commission

NOTICE OF HEARING

TO: Mr. Eduardo E. Balbis

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Communications, Energy, and Public Utilities
MEETING DATE: Monday, March 28, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Communications, Energy, and Public Utilities

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Public Service Commission

Appointee: Balbis, Eduardo E.

Term: 2/4/2011-1/1/2015

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Balbis, Eduardo E.

Appointed: 02/04/2011

Term: 02/04/2011 – 01/01/2015

Prior Term:

City/County: West Palm Beach/Palm Beach

Office: Florida Public Service Commission, Member

Authority: 350.01(1), F.S.

Reference(s): Committee on Communications, Energy, and Public Utilities-Recommend Confirm-03/28/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/23/11
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/10/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Commissioner, Florida Public Service Commission

Compensation: \$130,036.08 per year as of March 11, 2011.

Requirements: The commission consists of five members.

The Governor appoints each member from a list of applicants recommended by the Florida Public Service Commission Nominating Council.

The Florida Public Service Commission Nominating Council nominates to the Governor no fewer than three persons for each vacancy occurring on the Public Service Commission.

The recommendations must be provided to the Governor by September 15 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor shall fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment within 30 consecutive calendar days after the receipt of the recommendation the council, by majority vote, shall appoint, within 30 days after the expiration of the Governor's time to make an appointment, one person from the applicants previously nominated to the Governor to fill the vacancy.

Additional Requirements: Terms are for four years. Terms begin on January 2 of the year the term commences and ends on January 1, four years later.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - Mr. Balbis served on the Treasure Coast Regional Planning Council from 2009-2010. In addition, Mr. Balbis previously served as the Chairman of the East Central Regional Water Reclamation Facility Board from 2009-2010. When a vacancy was created due to the resignation of a Public Service Commissioner, Mr. Balbis was appointed to complete the remainder of the term and served from 11/2010-1/1/2011. Governor Crist reappointed Mr. Balbis to a new term ending 1/1/2015. Governor Scott withdrew this appointment and subsequently reappointed Mr. Balbis. Number 19 - Mr. Balbis was the Assistant City Administrator for the City of West Palm Beach from 2008-12/2010.
Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Ronald A. Brise

Florida Public Service Commission

NOTICE OF HEARING

TO: Representative Ronald A. Brise

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Communications, Energy, and Public Utilities
MEETING DATE: Monday, March 28, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President
FROM: Communications, Energy, and Public Utilities

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Public Service Commission

Appointee: Brise, Ronald A.

Term: 2/4/2011-1/1/2014

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brise, Ronald A.

Appointed: 02/04/2011

Term: 02/04/2011 – 01/01/2014

Prior Term:

City/County: North Miami/Miami-Dade

Office: Florida Public Service Commission, Member

Authority: 350.01(1), F.S.

Reference(s): Committee on Communications, Energy, and Public Utilities-Recommend Confirm-03/28/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 6/17/10
8. Meets Requirements of Law	X		
9. Conviction Record			
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Commissioner, Florida Public Service Commission

Compensation: \$130,036.08 per year as of March 11, 2011.

Requirements: The commission consists of five members.

The Governor appoints each member from a list of applicants recommended by the Florida Public Service Commission Nominating Council.

The Florida Public Service Commission Nominating Council nominates to the Governor no fewer than three persons for each vacancy occurring on the Public Service Commission.

The recommendations must be provided to the Governor by September 15 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor shall fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment within 30 consecutive calendar days after the receipt of the recommendation the council, by majority vote, shall appoint, within 30 days after the expiration of the Governor's time to make an appointment, one person from the applicants previously nominated to the Governor to fill the vacancy.

Additional Requirements: Terms are for four years. Terms begin on January 2 of the year the term commences and ends on January 1, four years later.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - Mr. Brise served as a State Representative in the Florida House of Representatives from 2006-2010. Mr. Brise served a four year term, that began in June 2005, on the North Miami, Planning Commission. Mr. Brise was appointed to the Public Service Commission by Governor Crist in July 2010 for a term ending on 1/1/2014. Governor Scott withdrew this appointment and subsequently reappointed Mr. Brise.

Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Julie I. Brown

Florida Public Service Commission

NOTICE OF HEARING

TO: Mrs. Julie I. Brown

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Communications, Energy, and Public Utilities
MEETING DATE: Monday, March 28, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Communications, Energy, and Public Utilities

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Public Service Commission

Appointee: Brown, Julie I.

Term: 2/4/2011-1/1/2015

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brown, Julie I.

Appointed: 02/04/2011

Term: 02/04/2011 – 01/01/2015

Prior Term:

City/County: Tampa/Hillsborough

Office: Florida Public Service Commission, Member

Authority: 350.01(1), F.S.

Reference(s): Committee on Communications, Energy, and Public Utilities-Recommend Confirm-03/28/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/12/10
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist	X		Legislative

Occupation: Commissioner, Florida Public Service Commission

Compensation: \$130,036.08 per year as of March 11, 2011.

Requirements: The commission consists of five members.

The Governor appoints each member from a list of applicants recommended by the Florida Public Service Commission Nominating Council.

The Florida Public Service Commission Nominating Council nominates to the Governor no fewer than three persons for each vacancy occurring on the Public Service Commission.

The recommendations must be provided to the Governor by September 15 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor shall fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment within 30 consecutive calendar days after the receipt of the recommendation the council, by majority vote, shall appoint, within 30 days after the expiration of the Governor's time to make an appointment, one person from the applicants previously nominated to the Governor to fill the vacancy.

Additional Requirements: Terms are for four years. Terms begin on January 2 of the year the term commences and ends on January 1, four years later.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 18 - Mrs. Brown served on the City of Tampa's Architectural Review Commission from 2006-2010.

Number 19 - Mrs. Brown was the Assistant City Attorney of the City of Tampa from 1/2004 to 5/2006.
Education Verified

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Art Graham

Florida Public Service Commission

NOTICE OF HEARING

TO: Mr. Art Graham

YOU ARE HEREBY NOTIFIED that the Committee on Rules Subcommittee on Ethics and Elections of the Florida Senate will conduct a hearing on your executive appointment on Monday, April 11, 2011, in the Pat Thomas Committee Room, 412 Knott Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of April, 2011

Committee on Rules Subcommittee on Ethics
and Elections



Senator Miguel Diaz de la Portilla
As Chair and by authority of the committee

cc: Members, Committee on Rules Subcommittee on Ethics and Elections
Donald Severance, Sergeant at Arms

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Communications, Energy, and Public Utilities
MEETING DATE: Monday, March 28, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Office Building

TO: The Honorable Mike Haridopolos, President

FROM: Communications, Energy, and Public Utilities

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Public Service Commission

Appointee: Graham, Art

Term: 2/4/2011-1/1/2014

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Graham, Art

Appointed: 02/04/2011

Term: 02/04/2011 – 01/01/2014

Prior Term:

City/County: Jacksonville Beach/Duval

Office: Florida Public Service Commission, Member

Authority: 350.01(1), F.S.

Reference(s): Committee on Communications, Energy, and Public Utilities-Recommend Confirm-03/28/2011
Rules Subcommittee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 3/15/10
8. Meets Requirements of Law	X		
9. Conviction Record	X		See Below
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/11
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: Commissioner, Florida Public Service Commission

Compensation: \$130,036.08 per year as of March 11, 2011.

Requirements: The commission consists of five members.

The Governor appoints each member from a list of applicants recommended by the Florida Public Service Commission Nominating Council.

The Florida Public Service Commission Nominating Council nominates to the Governor no fewer than three persons for each vacancy occurring on the Public Service Commission.

The recommendations must be provided to the Governor by September 15 of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor shall fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment within 30 consecutive calendar days after the receipt of the recommendation the council, by majority vote, shall appoint, within 30 days after the expiration of the Governor's time to make an appointment, one person from the applicants previously nominated to the Governor to fill the vacancy.

Additional Requirements: Terms are for four years. Terms begin on January 2 of the year the term commences and ends on January 1, four years later.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 9 - FDLE reported Commissioner Graham was charged with D.U.I. on 3/1/1986 in Gainesville, GA. He pleaded Nolo Contendere, paid a fine, and his driver's license was suspended for six months. Commissioner Graham disclosed this charge in his questionnaire.

Number 18 - Mr. Graham served as a Jacksonville City Council Member from 2003-2010. Prior to that, Mr. Graham served on the Jacksonville Beach City Council from 1998 to 2002. Mr. Graham was appointed to the Public Service Commission by Governor Crist in July 2010 for a term ending on 1/1/2014. Governor Scott withdrew this appointment and subsequently reappointed Mr. Graham.
Education Verified

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 Rules Subcommittee on Ethics and Elections

BILL: SB 1322

INTRODUCER: Senator Jones

SUBJECT: Legislative Lobbying Expenditures

DATE: April 5, 2011

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carlton	Roberts	EE	Pre-meeting
2. _____	_____	RC	_____
3. _____	_____	BC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

Senate Bill 1322 allows members and employees of the Legislature to accept an expenditure valued at less than \$100 from lobbyists and principals; expenditures over \$100 may only be accepted with prior written permission of the President of the Senate or Speaker of the House of Representatives, whichever is appropriate. An expenditure valued up to \$25 dollars is not required to be reported. A member or employee must disclose, however, any expenditure received from a lobbyists and principals which is valued over \$25. Members and employees are still prohibited from soliciting or accepting an honorarium. The practice of “gift-splitting” under the “old gifts law” is prohibited; valuation principles from the “old gifts law” and the ability to pay down an expenditure within 90 days, however, are incorporated.

This bill substantially amends Section 11.045, F.S., Section 112.3148, F.S., and Section 112.3149, F.S.

II. Present Situation:

Until 2005, members and employees of the Legislature were governed by the provisions of the Code of Ethics for Public Officers and Employees concerning gifts¹ and honoraria.² In 2005, the Legislature enacted the legislative lobbying provisions in s. 11.045, F.S. That section contains what is known as the legislative branch expenditure ban. The essence of the expenditure ban is that it prohibits a member or employee of the Legislature from accepting any expenditure from a lobbyist. The ban applies regardless of value. The expenditure ban, with limited exceptions, is an

¹ Section 112.3148, F.S.

² Section 112.3149, F.S.

absolute bar. For most purposes, the expenditure ban has superseded the “old gifts law”³ and honorarium law⁴ with respect to legislative members and employees.⁵

The “old gifts law” in Section 112.3148, F.S., regulates gifts given by lobbyists to reporting individuals and procurement employees. For purposes of s. 112.3148, the term reporting individuals includes members of the Legislature.⁶ Under that law, the term “lobbyist” means any natural person who, for compensation, seeks or sought during the preceding twelve months, to influence the governmental decision making of the member or the Legislature. Section 112.3148, F.S., prohibits a member of the Legislature from soliciting any gift from a political committee, a committee of continuous existence, or lobbyist, or the partner firm, employer, or principal of such lobbyist.⁷ The prohibition on soliciting a gift applies regardless of the value of the gift. Section 112.3148, F.S., also prohibits a member from knowingly accepting any gift in excess of \$100 from a lobbyist. A member is not prohibited from accepting a gift from a lobbyist if the gift is valued between \$25 and \$100. However, the lobbyist who gave the gift is required to disclose the gift on a disclosure form provided by the Commission on Ethics. Section 112.3148 also requires other gift reporting.

The honorarium law is contained in Section 112.3149, F.S., which prohibits a member of the Legislature from soliciting an honorarium related to his or her public office or duties. That section also prohibits a member from knowingly accepting an “honorarium” from a political committee, a committee of continuous existence as defined in s. 106.011, from a lobbyist who lobbies the Legislature, or the employer, principal, partner, or firm of such a lobbyist. “Honorarium” is defined as a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for: a speech, address, oration, other oral presentation by the reporting individual or procurement employee, or a writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published. However, a member is not prohibited from accepting the actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including event registration fees, for the member and his or her spouse. Section 112.3149, F.S., also contains a disclosure requirement.

The expenditure ban in s. 11.045(4)(a), F.S., provides that no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any expenditure, except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session. 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 following do not constitute an expenditure: contributions or expenditures reported pursuant to Chapter 106 of the Florida Statutes or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made

³ Section 112.3148, F.S.

⁴ Section 112.3149, F.S.

⁵ For example, members and employees are still required to report certain gifts over \$100. Section 112.3148(8), F.S.

⁶ Because the scope of the bill is limited to members of the Legislature, this analysis will focus only on how each law applies to members of the Legislature.

⁷ The term “gift” for purposes of the Code of Ethics for Public Officers and Employees is defined in s. 112.312(12), F.S.

by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. 527 or 26 U.S.C. 501(c)(4).

The Senate adopted the provisions of the legislative branch expenditure law, the gifts law, and the honorarium law in Senate Rule 9.8. That rule provides guidance on whether it is permissible for a member or employee to accept a gift, honorarium, or expenditure. It also provides the test for determining whether an indirect expenditure is legal. Finally, the rule contains examples and answers to frequently asked questions concerning what is permissible for a member or employee to accept.

III. Effect of Proposed Changes:

Senate Bill 1322 relocates some of the overlapping or duplicative prohibitions concerning what a member or employee of the Legislature may accept into s. 11.045, F.S. However, the bill maintains the requirement that members and employees of the Legislature file a quarterly gift disclosure form with the Commission, unless the gift is required to be reported pursuant to s. 11.045, F.S. The bill allows members and employees of the Legislature to accept an expenditure valued at less than \$100 from lobbyists and principals; expenditures over \$100 may only be accepted with prior written permission of the President of the Senate or Speaker of the House or Representatives, whichever is appropriate. An expenditure valued up to \$25 dollars is not required to be reported. A member or employee must disclose, however, any expenditure received from a lobbyists and principals which is valued over \$25.

The bill amends the definition of “expenditure” in s. 11.045(1)(d), F.S., by providing the member or employee ninety days to provide equal or greater consideration for the expenditure. The bill also provides that certain things are not “expenditures.” These items are currently excluded from being a “gift” for purposes of the prohibition in s. 112.3148, F.S.⁸ The bill adopts the longstanding valuation principals used to determine the value of a gift in s. 112.3148(7), F.S., for purposes of valuing an expenditure. The bill prohibits a member or employee from “gift-splitting” by attributing a pro rata share of the expenditure when received from multiple lobbyists and/or principals. Rather, the value of the expenditure is the total amount of the expenditure.

The bill requires the member or employee to file a quarterly statement containing a disclosure of all expenditures accepted from a lobbyist or principal which he or she believes to be in excess of \$25 in value. If the member or employee provided compensation within ninety days which reduces the value of the item received to \$25 or less, the member or employee is not required to file the quarterly disclosure for that item. The bill does not require disclosure of expenditures from a relative. The disclosure required must describe the expenditure, the monetary value of the expenditure, the name and address of the lobbyist or principal making the expenditure, and the date the expenditure was received. If any of this information is not known or is not applicable, other than the expenditure description and purpose, the member must state that the information is not known or is not applicable. If the member or employee was provided a receipt, he or she is required to attach the receipt to the disclosure. The disclosure may also explain any differences between the member’s or employee’s statement and the receipt provided by the donor. In the event that the member does not receive any expenditure during that quarter, he or she is not

⁸ Section 112.312(12)(b), F.S.

required to file a disclosure for that quarter. The bill also provides that the disclosures shall be filed in accordance with the rules of the member's respective house of the Legislature.

Specifically, the bill prohibits a member or employee from soliciting, directly or indirectly, an honorarium⁹ or expenditure from a lobbyist or principal for the personal benefit of the member or employee, another member or employee, or the member's or employee's relative. This prohibition applies regardless of the value of the honorarium or expenditure. The bill also prohibits a lobbyist or principal from making a direct or indirect honorarium to a member or employee of the Legislature. The bill prohibits a member or employee from knowingly accepting, directly or indirectly, an honorarium. Finally, the bill prohibits a member or employee from accepting an expenditure in excess of \$100 from a lobbyist. However, a member or employee may accept a legitimate expenditure valued in excess of \$100 if it is made in connection with the member's public office or the employee's public employment and he or she obtains prior written approval from the President of the Senate or the Speaker of the House of Representatives, as appropriate. A member or employee is not prohibited from accepting an expenditure from a relative.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Legislative lobbyists and principals may incur additional lobbying expenditures. The amount of those expenditures is indeterminate.

C. Government Sector Impact:

None.

⁹ The bill adopts the definition of an honorarium currently in s. 112.3149, F.S., for purposes of s. 11.045, F.S.

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.
