



1 individual or employee from knowingly accepting  
2 a gift in excess of a specified value from  
3 certain vendors; prohibiting certain vendors  
4 from making such a gift to such individual or  
5 employee; amending s. 112.3149, F.S.;  
6 redefining the term "procurement employee";  
7 prohibiting a reporting individual or  
8 procurement employee from knowingly accepting  
9 an honorarium from certain vendors; prohibiting  
10 certain vendors from giving an honorarium to  
11 such individual or employee; amending s.  
12 112.3215, F.S.; requiring that the Ethics  
13 Commission investigate complaints alleging  
14 prohibited expenditures; providing for the  
15 investigation of lobbyists and principals under  
16 certain circumstances; requiring that a fine be  
17 assessed against a person who fails to provide  
18 required information or who provides false  
19 information; creating s. 112.3136, F.S.;  
20 specifying standards of conduct for officers  
21 and employees of entities serving as the chief  
22 administrative officer of a political  
23 subdivision; amending s. 112.317, F.S.;  
24 providing for penalties to be imposed against  
25 persons other than lobbyists or public officers  
26 and employees; amending s. 112.324, F.S.;  
27 providing for the commission to report to the  
28 Governor violations involving persons other  
29 than lobbyists or public officers and  
30 employees; amending s. 411.01, F.S., relating  
31

1 to school readiness programs; conforming a  
2 cross-reference; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (5) of section 112.312, Florida  
7 Statutes, is amended to read:

8 112.312 Definitions.--As used in this part and for  
9 purposes of the provisions of s. 8, Art. II of the State  
10 Constitution, unless the context otherwise requires:

11 (5) "Business entity" means any corporation, company,  
12 partnership, limited partnership, proprietorship, firm,  
13 enterprise, franchise, association, self-employed individual,  
14 or trust, whether fictitiously named or not, doing business in  
15 this state.

16 Section 2. Section 112.3143, Florida Statutes, is  
17 amended to read:

18 112.3143 Voting conflicts.--

19 (1) As used in this section:

20 (a) "Public officer" includes any person elected or  
21 appointed to hold office in any agency, including any person  
22 serving on an advisory body.

23 (b) "Relative" means any father, mother, son,  
24 daughter, husband, wife, brother, sister, father-in-law,  
25 mother-in-law, son-in-law, or daughter-in-law.

26 (2) ~~A No~~ state public officer is not prohibited from  
27 voting in an official capacity on any matter. However, any  
28 state public officer voting in an official capacity upon any  
29 measure that ~~which~~ would inure to the officer's special  
30 private gain or loss; that ~~which~~ he or she knows would inure  
31 to the special private gain or loss of any principal by whom

1 | the officer is retained or to the parent organization or  
2 | subsidiary of a corporate principal by which the officer is  
3 | retained, other than an agency as defined in s. 112.312(2); or  
4 | ~~that which~~ the officer knows would inure to the special  
5 | private gain or loss of a relative or business associate of  
6 | the public officer shall, within 15 days after the vote  
7 | occurs, disclose the nature of all of his or her interests in  
8 | the matter, and disclose the nature of all of the interests of  
9 | his or her principals, relatives, or business associates which  
10 | are known to him or her, his or her interest as a public  
11 | record in a memorandum filed with the person responsible for  
12 | recording the minutes of the meeting, who shall incorporate  
13 | the memorandum in the minutes.

14 |       (3) An appointed state public officer may not  
15 | participate in any matter that would inure to the officer's  
16 | special private gain or loss; that the officer knows would  
17 | inure to the special private gain or loss of any principal by  
18 | whom he or she is retained or to the parent organization or  
19 | subsidiary of a corporate principal by which he or she is  
20 | retained, other than an agency as defined in s. 112.312(2); or  
21 | that he or she knows would inure to the special private gain  
22 | or loss of a relative or business associate of the public  
23 | officer, without first disclosing the nature of his or her  
24 | interest in the matter.

25 |       (a) Such disclosure, indicating the nature of all of  
26 | his or her interests in the matter and disclosing the nature  
27 | of all of the interests of the principals, relatives, or  
28 | business associates which are known to him or her, shall be  
29 | made in a written memorandum and filed with the person  
30 | responsible for recording the minutes of the meeting before  
31 | the meeting in which consideration of the matter will take

1 place, and shall be incorporated into the minutes. Any such  
2 memorandum becomes a public record upon filing, shall  
3 immediately be provided to the other members of the agency,  
4 and shall be read publicly at the next meeting held subsequent  
5 to the filing of this written memorandum.

6 (b) If disclosure is not made before the meeting or if  
7 any conflict is unknown before the meeting, the disclosure  
8 shall be made orally at the meeting when it becomes known that  
9 a conflict exists. The written memorandum disclosing the  
10 nature of the conflict must be filed within 15 days after the  
11 oral disclosure with the person responsible for recording the  
12 minutes of the meeting and shall be incorporated into the  
13 minutes of the meeting at which the oral disclosure was made.

14 Any such memorandum becomes a public record upon filing, shall  
15 immediately be provided to the other members of the agency,  
16 and shall be read publicly at the next meeting held subsequent  
17 to the filing of this written memorandum.

18 (4)(3)(a) A ~~no~~ county, municipal, or other local  
19 public officer ~~may not shall~~ vote in an official capacity upon  
20 any measure ~~that which~~ would inure to his or her special  
21 private gain or loss; ~~that which~~ he or she knows would inure  
22 to the special private gain or loss of any principal by whom  
23 he or she is retained or to the parent organization or  
24 subsidiary of a corporate principal by which he or she is  
25 retained, other than an agency as defined in s. 112.312(2); or  
26 ~~that which~~ he or she knows would inure to the special private  
27 gain or loss of a relative or business associate of the public  
28 officer. Such public officer shall, ~~before prior to~~ the vote  
29 ~~is being~~ taken, publicly state to the assembly the nature of  
30 ~~all of~~ the officer's ~~interests interest~~ in the matter, and ~~all~~  
31 of the interests in the matter of his or her principals,

1 relatives, or business associates which are known to him or  
2 her, from which he or she is abstaining from voting and,  
3 within 15 days after the vote occurs, disclose the nature of  
4 all of his or her interests in the matter, and disclose the  
5 nature of all of the interests of his or her principals,  
6 relatives, or business associates which are known to him or  
7 her, ~~his or her interest~~ as a public record in a memorandum  
8 filed with the person responsible for recording the minutes of  
9 the meeting, who shall incorporate the memorandum in the  
10 minutes.

11 (b) However, a commissioner of a community  
12 redevelopment agency created or designated pursuant to s.  
13 163.356 or s. 163.357, or an officer of an independent special  
14 tax district elected on a one-acre, one-vote basis, is not  
15 prohibited from voting, when voting in that ~~said~~ capacity.

16 ~~(4) No appointed public officer shall participate in~~  
17 ~~any matter which would inure to the officer's special private~~  
18 ~~gain or loss; which the officer knows would inure to the~~  
19 ~~special private gain or loss of any principal by whom he or~~  
20 ~~she is retained or to the parent organization or subsidiary of~~  
21 ~~a corporate principal by which he or she is retained; or which~~  
22 ~~he or she knows would inure to the special private gain or~~  
23 ~~loss of a relative or business associate of the public~~  
24 ~~officer, without first disclosing the nature of his or her~~  
25 ~~interest in the matter.~~

26 ~~(a) Such disclosure, indicating the nature of the~~  
27 ~~conflict, shall be made in a written memorandum filed with the~~  
28 ~~person responsible for recording the minutes of the meeting,~~  
29 ~~prior to the meeting in which consideration of the matter will~~  
30 ~~take place, and shall be incorporated into the minutes. Any~~  
31 ~~such memorandum shall become a public record upon filing,~~

1 ~~shall immediately be provided to the other members of the~~  
2 ~~agency, and shall be read publicly at the next meeting held~~  
3 ~~subsequent to the filing of this written memorandum.~~

4 ~~(b) In the event that disclosure has not been made~~  
5 ~~prior to the meeting or that any conflict is unknown prior to~~  
6 ~~the meeting, the disclosure shall be made orally at the~~  
7 ~~meeting when it becomes known that a conflict exists. A~~  
8 ~~written memorandum disclosing the nature of the conflict shall~~  
9 ~~then be filed within 15 days after the oral disclosure with~~  
10 ~~the person responsible for recording the minutes of the~~  
11 ~~meeting and shall be incorporated into the minutes of the~~  
12 ~~meeting at which the oral disclosure was made. Any such~~  
13 ~~memorandum shall become a public record upon filing, shall~~  
14 ~~immediately be provided to the other members of the agency,~~  
15 ~~and shall be read publicly at the next meeting held subsequent~~  
16 ~~to the filing of this written memorandum.~~

17 (5) A county, municipal, or other local public officer  
18 may not participate in any matter that would inure to the  
19 officer's special private gain or loss or to that of any  
20 principal by whom he or she is retained, or to the parent  
21 organization or subsidiary of a corporate principal by which  
22 he or she is retained, other than an agency as defined in s.  
23 112.312(2), or that he or she knows would inure to the special  
24 private gain or loss of a relative or business associate of  
25 the public officer. However, a commissioner of a community  
26 redevelopment agency created or designated under s. 163.356 or  
27 s. 163.357, or an officer of an independent special tax  
28 district who is elected on a one-acre, one-vote basis, is not  
29 prohibited from participating in a matter in which he or she  
30 has a voting conflict of interest as provided in this section.

1           ~~(6)(c)~~ For purposes of this section ~~subsection~~, the  
2 term "participate" means any attempt to influence the decision  
3 by oral or written communication, whether made by the officer  
4 or at the officer's direction.

5           ~~(7)(5)~~ Whenever a public officer or former public  
6 officer is being considered for appointment or reappointment  
7 to public office, the appointing body shall consider the  
8 number and nature of the memoranda of conflict previously  
9 filed under this section by the said officer.

10           Section 3. Paragraph (a) of subsection (1) and  
11 subsection (3) of section 112.3145, Florida Statutes, are  
12 amended to read:

13           112.3145 Disclosure of financial interests and clients  
14 represented before agencies.--

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

17           (a) "Local officer" means:

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

22           2. Any appointed member of any of the following  
23 boards, councils, commissions, authorities, or other bodies of  
24 any county, municipality, school district, independent special  
25 district, or other political subdivision of the state:

26           a. The governing body of the political subdivision, if  
27 appointed;

28           b. An expressway authority or transportation authority  
29 established by general law;

30           c. A community college or junior college district  
31 board of trustees;



1           d. A board having the power to enforce local code  
2 provisions;

3           e. A planning or zoning board, board of adjustment,  
4 board of appeals, community redevelopment agency board, or  
5 other board having the power to recommend, create, or modify  
6 land planning or zoning within the political subdivision,  
7 except for citizen advisory committees, technical coordinating  
8 committees, and such other groups who only have the power to  
9 make recommendations to planning or zoning boards;

10          f. A pension board or retirement board having the  
11 power to invest pension or retirement funds or the power to  
12 make a binding determination of one's entitlement to or amount  
13 of a pension or other retirement benefit; or

14          g. Any other appointed member of a local government  
15 board who is required to file a statement of financial  
16 interests by the appointing authority or the enabling  
17 legislation, ordinance, or resolution creating the board.

18          3. Any person holding one or more of the following  
19 positions: mayor; county or city manager; chief administrative  
20 employee of a county, municipality, or other political  
21 subdivision; county or municipal attorney; finance director of  
22 a county, municipality, or other political subdivisions; chief  
23 county or municipal building code inspector; county or  
24 municipal water resources coordinator; county or municipal  
25 pollution control director; county or municipal environmental  
26 control director; county or municipal administrator, with  
27 power to grant or deny a land development permit; chief of  
28 police; fire chief; municipal clerk; district school  
29 superintendent; community college president; district medical  
30 examiner; special master for a political subdivision who has  
31 the authority to determine or adjudicate any personal or

1 property rights, duties, or obligations; or purchasing agent  
2 having the authority to make any purchase exceeding the  
3 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
4 on behalf of any political subdivision of the state or any  
5 entity thereof.

6 (3) The statement of financial interests for state  
7 officers, specified state employees, local officers, and  
8 persons seeking to qualify as candidates for state or local  
9 office shall be filed even if the reporting person holds no  
10 financial interests requiring disclosure, in which case the  
11 statement shall be marked "not applicable." Otherwise, the  
12 statement of financial interests, which must be specified on  
13 the reporting form, shall include, at the filer's option,  
14 either:

15 (a)1. All sources of income in excess of 5 percent of  
16 the gross income received during the disclosure period by the  
17 person in his or her own name or by any other person for his  
18 or her use or benefit, excluding public salary. However, this  
19 shall not be construed to require disclosure of a business  
20 partner's sources of income. The person reporting shall list  
21 such sources in descending order of value with the largest  
22 source first;

23 2. All sources of income to a business entity in  
24 excess of 10 percent of the gross income of a business entity  
25 in which the reporting person held a material interest and  
26 from which he or she received an amount which was in excess of  
27 10 percent of his or her gross income during the disclosure  
28 period and which exceeds \$1,500. The period for computing the  
29 gross income of the business entity is the fiscal year of the  
30 business entity which ended on, or immediately prior to, the  
31 end of the disclosure period of the person reporting;

1           3. The location or description of real property in  
2 this state, except for residences and vacation homes, owned  
3 directly or indirectly by the person reporting, when such  
4 person owns in excess of 5 percent of the value of such real  
5 property, and a general description of any intangible personal  
6 property worth in excess of 10 percent of such person's total  
7 assets. For the purposes of this paragraph, indirect  
8 ownership does not include ownership by a spouse or minor  
9 child; and

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

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

20           2. All sources of income to a business entity in  
21 excess of 10 percent of the gross income of a business entity  
22 in which the reporting person held a material interest and  
23 from which he or she received gross income exceeding \$5,000  
24 during the disclosure period. The period for computing the  
25 gross income of the business entity is the fiscal year of the  
26 business entity which ended on, or immediately prior to, the  
27 end of the disclosure period of the person reporting;

28           3. The location or description of real property in  
29 this state, except for residence and vacation homes, owned  
30 directly or indirectly by the person reporting, when such  
31 person owns in excess of 5 percent of the value of such real

1 | property, and a general description of any intangible personal  
2 | property worth in excess of \$10,000. For the purpose of this  
3 | paragraph, indirect ownership does not include ownership by a  
4 | spouse or minor child; and

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

6 |         Section 4. Paragraph (e) of subsection (2), subsection  
7 | (3), subsection (4), and paragraph (a) of subsection (5) of  
8 | section 112.3148, Florida Statutes, are amended to read:

9 |         112.3148 Reporting and prohibited receipt of gifts by  
10 | individuals filing full or limited public disclosure of  
11 | financial interests and by procurement employees.--

12 |         (2) As used in this section:

13 |         (e) "Procurement employee" means any employee of an  
14 | officer, department, board, commission, ~~or~~ council, or agency  
15 | of the executive branch or judicial branch of state government  
16 | who has participated in the preceding 12 months ~~participates~~  
17 | through decision, approval, disapproval, recommendation,  
18 | preparation of any part of a purchase request, influencing the  
19 | content of any specification or procurement standard,  
20 | rendering of advice, investigation, or auditing or in any  
21 | other advisory capacity in the procurement of contractual  
22 | services or commodities as defined in s. 287.012, if the cost  
23 | of such services or commodities exceeds ~~\$10,000~~ \$1,000 in any  
24 | fiscal year.

25 |         (3) A reporting individual or procurement employee is  
26 | prohibited from soliciting any gift from a political committee  
27 | or committee of continuous existence, as defined in s.  
28 | 106.011, from a vendor doing business with the reporting  
29 | individual's or procurement employee's agency, or from a  
30 | lobbyist who lobbies the reporting individual's or procurement  
31 | employee's agency, or the partner, firm, employer, or

1 principal of such lobbyist, where such gift is for the  
2 personal benefit of the reporting individual or procurement  
3 employee, another reporting individual or procurement  
4 employee, or any member of the immediate family of a reporting  
5 individual or procurement employee.

6 (4) A reporting individual or procurement employee or  
7 any other person on his or her behalf is prohibited from  
8 knowingly accepting, directly or indirectly, a gift from a  
9 political committee or committee of continuous existence, as  
10 defined in s. 106.011, from a vendor doing business with the  
11 reporting individual's or procurement employee's agency, or  
12 from a lobbyist who lobbies the reporting individual's or  
13 procurement employee's agency, or directly or indirectly on  
14 behalf of the partner, firm, employer, or principal of a  
15 lobbyist, if he or she knows or reasonably believes that the  
16 gift has a value in excess of \$100; however, such a gift may  
17 be accepted by such person on behalf of a governmental entity  
18 or a charitable organization. If the gift is accepted on  
19 behalf of a governmental entity or charitable organization,  
20 the person receiving the gift shall not maintain custody of  
21 the gift for any period of time beyond that reasonably  
22 necessary to arrange for the transfer of custody and ownership  
23 of the gift.

24 (5)(a) A political committee or a committee of  
25 continuous existence, as defined in s. 106.011; a vendor doing  
26 business with the reporting individual's or procurement  
27 employee's agency; a lobbyist who lobbies a reporting  
28 individual's or procurement employee's agency; the partner,  
29 firm, employer, or principal of a lobbyist; or another on  
30 behalf of the lobbyist or partner, firm, principal, or  
31 employer of the lobbyist is prohibited from giving, either

1 directly or indirectly, a gift that has a value in excess of  
2 \$100 to the reporting individual or procurement employee or  
3 any other person on his or her behalf; however, such person  
4 may give a gift having a value in excess of \$100 to a  
5 reporting individual or procurement employee if the gift is  
6 intended to be transferred to a governmental entity or a  
7 charitable organization.

8 Section 5. Paragraph (e) of subsection (1), and  
9 subsections (3) and (4) of section 112.3149, Florida Statutes,  
10 are amended to read:

11 112.3149 Solicitation and disclosure of honoraria.--

12 (1) As used in this section:

13 (e) "Procurement employee" means any employee of an  
14 officer, department, board, commission, ~~or~~ council, or agency  
15 of the executive branch or judicial branch of state government  
16 who has participated in the preceding 12 months ~~participates~~  
17 through decision, approval, disapproval, recommendation,  
18 preparation of any part of a purchase request, influencing the  
19 content of any specification or procurement standard,  
20 rendering of advice, investigation, or auditing or in any  
21 other advisory capacity in the procurement of contractual  
22 services or commodities as defined in s. 287.012, if the cost  
23 of such services or commodities exceeds ~~\$10,000~~ \$1,000 in any  
24 fiscal year.

25 (3) A reporting individual or procurement employee is  
26 prohibited from knowingly accepting an honorarium from a  
27 political committee or committee of continuous existence, as  
28 defined in s. 106.011, from a vendor doing business with the  
29 reporting individual's or procurement employee's agency, from  
30 a lobbyist who lobbies the reporting individual's or  
31

1 procurement employee's agency, or from the employer,  
2 principal, partner, or firm of such a lobbyist.

3 (4) A political committee or committee of continuous  
4 existence, as defined in s. 106.011, a vendor doing business  
5 with the reporting individual's or procurement employee's  
6 agency, a lobbyist who lobbies a reporting individual's or  
7 procurement employee's agency, or the employer, principal,  
8 partner, or firm of such a lobbyist is prohibited from giving  
9 an honorarium to a reporting individual or procurement  
10 employee.

11 Section 6. Subsection (8) of section 112.3215, Florida  
12 Statutes, is amended, present subsections (11), (12), (13),  
13 and (14) of that section are redesignated as subsections (12),  
14 (13), (14), and (15), respectively, and a new subsection (11)  
15 is added to that section, to read:

16 112.3215 Lobbying before the executive branch or the  
17 Constitution Revision Commission; registration and reporting;  
18 investigation by commission.--

19 (8)(a) The commission shall investigate every sworn  
20 complaint that is filed with it alleging that a person covered  
21 by this section has failed to register, has failed to submit a  
22 compensation report, has made a prohibited expenditure, or has  
23 knowingly submitted false information in any report or  
24 registration required in this section.

25 (b) All proceedings, the complaint, and other records  
26 relating to the investigation are confidential and exempt from  
27 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
28 State Constitution, and any meetings held pursuant to an  
29 investigation are exempt from the provisions of s. 286.011(1)  
30 and s. 24(b), Art. I of the State Constitution either until  
31 the alleged violator requests in writing that such

1 investigation and associated records and meetings be made  
2 public or until the commission determines, based on the  
3 investigation, whether probable cause exists to believe that a  
4 violation has occurred.

5 (c) The commission shall investigate any lobbying  
6 firm, lobbyist, principal, agency, officer, or employee upon  
7 receipt of information from a sworn complaint or from a random  
8 audit of lobbying reports indicating a possible violation  
9 other than a late-filed report.

10 (d) Records relating to an audit conducted pursuant to  
11 this section or an investigation conducted pursuant to this  
12 section or s. 112.32155 are confidential and exempt from s.  
13 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
14 any meetings held pursuant to such an investigation or at  
15 which such an audit is discussed are exempt from s. 286.011  
16 and s. 24(b), Art. I of the State Constitution either until  
17 the lobbying firm requests in writing that such investigation  
18 and associated records and meetings be made public or until  
19 the commission determines there is probable cause that the  
20 audit reflects a violation of the reporting laws. This  
21 paragraph is subject to the Open Government Sunset Review Act  
22 in accordance with s. 119.15 and shall stand repealed on  
23 October 2, 2011, unless reviewed and saved from repeal through  
24 reenactment by the Legislature.

25 (11) Any person who is required to be registered or to  
26 provide information under this section or under rules  
27 established pursuant to this section and who knowingly fails  
28 to disclose any material fact that is required by this section  
29 or by rules established pursuant to this section, or who  
30 knowingly provides false information on any report required by  
31 this section or by rules established pursuant to this section,



1 commits a noncriminal infraction, punishable by a fine not to  
2 exceed \$5,000. Such penalty is in addition to any other  
3 penalty assessed by the Governor and Cabinet pursuant to  
4 subsection (10).

5 Section 7. Section 112.3136, Florida Statutes, is  
6 created to read:

7 112.3136 Standards of conduct for officers and  
8 employees of entities serving as chief administrative officer  
9 of political subdivisions.--The officers, directors, and chief  
10 executive officer of a corporation, partnership, or other  
11 business entity that is serving as the chief administrative or  
12 executive officer or employee of a political subdivision, and  
13 any business entity employee who is acting as the chief  
14 administrative or executive officer or employee of the  
15 political subdivision, are public officers and employees who  
16 are subject to the following standards of conduct of this  
17 part:

18 (1) Section 112.313, and their "agency" is the  
19 political subdivision that they serve; however, the contract  
20 under which the business entity serves as chief executive or  
21 administrative officer of the political subdivision is not  
22 deemed to violate s. 112.313(3).

23 (2) Section 112.3145, as a "local officer."

24 (3) Sections 112.3148 and 112.3149, as a "reporting  
25 individual."

26 Section 8. Paragraph (e) is added to subsection (1) of  
27 section 112.317, Florida Statutes, to read:

28 112.317 Penalties.--

29 (1) Violation of any provision of this part,  
30 including, but not limited to, any failure to file any  
31 disclosures required by this part or violation of any standard

1 of conduct imposed by this part, or violation of any provision  
2 of s. 8, Art. II of the State Constitution, in addition to any  
3 criminal penalty or other civil penalty involved, shall, under  
4 applicable constitutional and statutory procedures, constitute  
5 grounds for, and may be punished by, one or more of the  
6 following:

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

11 1. Public censure and reprimand.

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

13 3. Restitution of any pecuniary benefits received  
14 because of the violation committed. The commission may  
15 recommend that the restitution penalty be paid to the agency  
16 of the person or to the General Revenue Fund.

17 Section 9. Paragraph (d) of subsection (8) of section  
18 112.324, Florida Statutes, is amended to read:

19 112.324 Procedures on complaints of violations; public  
20 records and meeting exemptions.--

21 (8) If, in cases pertaining to complaints other than  
22 complaints against impeachable officers or members of the  
23 Legislature, upon completion of a full and final investigation  
24 by the commission, the commission finds that there has been a  
25 violation of this part or of s. 8, Art. II of the State  
26 Constitution, it shall be the duty of the commission to report  
27 its findings and recommend appropriate action to the proper  
28 disciplinary official or body as follows, and such official or  
29 body shall have the power to invoke the penalty provisions of  
30 this part, including the power to order the appropriate  
31 elections official to remove a candidate from the ballot for a

1 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the  
2 State Constitution:

3 (d) Except as otherwise provided by this part, the  
4 Governor, in the case of any other public officer, public  
5 employee, former public officer or public employee, candidate,  
6 or former candidate, or person who is not a public officer or  
7 employee, other than lobbyists and lobbying firms under s.  
8 112.3215 for violations of s. 112.3215.

9 Section 10. Paragraph (a) of subsection (5) of section  
10 411.01, Florida Statutes, is amended to read:

11 411.01 School readiness programs; early learning  
12 coalitions.--

13 (5) CREATION OF EARLY LEARNING COALITIONS.--

14 (a) Early learning coalitions.--

15 1. The Agency for Workforce Innovation shall establish  
16 the minimum number of children to be served by each early  
17 learning coalition through the coalition's school readiness  
18 program. The Agency for Workforce Innovation may only approve  
19 school readiness plans in accordance with this minimum number.  
20 The minimum number must be uniform for every early learning  
21 coalition and must:

22 a. Permit 30 or fewer coalitions to be established;  
23 and

24 b. Require each coalition to serve at least 2,000  
25 children based upon the average number of all children served  
26 per month through the coalition's school readiness program  
27 during the previous 12 months.

28  
29 The Agency for Workforce Innovation shall adopt procedures for  
30 merging early learning coalitions, including procedures for  
31 the consolidation of merging coalitions, and for the early

1 termination of the terms of coalition members which are  
2 necessary to accomplish the mergers. Each early learning  
3 coalition must comply with the merger procedures and shall be  
4 organized in accordance with this subparagraph by April 1,  
5 2005. By June 30, 2005, each coalition must complete the  
6 transfer of powers, duties, functions, rules, records,  
7 personnel, property, and unexpended balances of  
8 appropriations, allocations, and other funds to the successor  
9 coalition, if applicable.

10           2. If an early learning coalition would serve fewer  
11 children than the minimum number established under  
12 subparagraph 1., the coalition must merge with another county  
13 to form a multicounty coalition. However, the Agency for  
14 Workforce Innovation may authorize an early learning coalition  
15 to serve fewer children than the minimum number established  
16 under subparagraph 1., if:

17           a. The coalition demonstrates to the Agency for  
18 Workforce Innovation that merging with another county or  
19 multicounty region contiguous to the coalition would cause an  
20 extreme hardship on the coalition;

21           b. The Agency for Workforce Innovation has determined  
22 during the most recent annual review of the coalition's school  
23 readiness plan, or through monitoring and performance  
24 evaluations conducted under paragraph (4)(1), that the  
25 coalition has substantially implemented its plan and  
26 substantially met the performance standards and outcome  
27 measures adopted by the agency; and

28           c. The coalition demonstrates to the Agency for  
29 Workforce Innovation the coalition's ability to effectively  
30 and efficiently implement the Voluntary Prekindergarten  
31 Education Program.

1  
2 If an early learning coalition fails or refuses to merge as  
3 required by this subparagraph, the Agency for Workforce  
4 Innovation may dissolve the coalition and temporarily contract  
5 with a qualified entity to continue school readiness and  
6 prekindergarten services in the coalition's county or  
7 multicounty region until the coalition is reestablished  
8 through resubmission of a school readiness plan and approval  
9 by the agency.

10           3. Notwithstanding the provisions of subparagraphs 1.  
11 and 2., the early learning coalitions in Sarasota, Osceola,  
12 and Santa Rosa Counties which were in operation on January 1,  
13 2005, are established and authorized to continue operation as  
14 independent coalitions, and shall not be counted within the  
15 limit of 30 coalitions established in subparagraph 1.

16           4. Each early learning coalition shall be composed of  
17 at least 18 members but not more than 35 members. The Agency  
18 for Workforce Innovation shall adopt standards establishing  
19 within this range the minimum and maximum number of members  
20 that may be appointed to an early learning coalition. These  
21 standards must include variations for a coalition serving a  
22 multicounty region. Each early learning coalition must comply  
23 with these standards.

24           5. The Governor shall appoint the chair and two other  
25 members of each early learning coalition, who must each meet  
26 the same qualifications as private sector business members  
27 appointed by the coalition under subparagraph 7.

28           6. Each early learning coalition must include the  
29 following members:  
30  
31

- 1           a. A Department of Children and Family Services  
2 district administrator or his or her designee who is  
3 authorized to make decisions on behalf of the department.
- 4           b. A district superintendent of schools or his or her  
5 designee who is authorized to make decisions on behalf of the  
6 district, who shall be a nonvoting member.
- 7           c. A regional workforce board executive director or  
8 his or her designee.
- 9           d. A county health department director or his or her  
10 designee.
- 11          e. A children's services council or juvenile welfare  
12 board chair or executive director, if applicable, who shall be  
13 a nonvoting member if the council or board is the fiscal agent  
14 of the coalition or if the council or board contracts with and  
15 receives funds from the coalition.
- 16          f. An agency head of a local licensing agency as  
17 defined in s. 402.302, where applicable.
- 18          g. A president of a community college or his or her  
19 designee.
- 20          h. One member appointed by a board of county  
21 commissioners.
- 22          i. A central agency administrator, where applicable,  
23 who shall be a nonvoting member.
- 24          j. A Head Start director, who shall be a nonvoting  
25 member.
- 26          k. A representative of private child care providers,  
27 including family day care homes, who shall be a nonvoting  
28 member.
- 29          l. A representative of faith-based child care  
30 providers, who shall be a nonvoting member.
- 31

1           m. A representative of programs for children with  
2 disabilities under the federal Individuals with Disabilities  
3 Education Act, who shall be a nonvoting member.

4           7. Including the members appointed by the Governor  
5 under subparagraph 5., more than one-third of the members of  
6 each early learning coalition must be private sector business  
7 members who do not have, and none of whose relatives as  
8 defined in s. 112.3143 has, a substantial financial interest  
9 in the design or delivery of the Voluntary Prekindergarten  
10 Education Program created under part V of chapter 1002 or the  
11 coalition's school readiness program. To meet this requirement  
12 an early learning coalition must appoint additional members  
13 from a list of nominees submitted to the coalition by a  
14 chamber of commerce or economic development council within the  
15 geographic region served by the coalition. The Agency for  
16 Workforce Innovation shall establish criteria for appointing  
17 private sector business members. These criteria must include  
18 standards for determining whether a member or relative has a  
19 substantial financial interest in the design or delivery of  
20 the Voluntary Prekindergarten Education Program or the  
21 coalition's school readiness program.

22           8. A majority of the voting membership of an early  
23 learning coalition constitutes a quorum required to conduct  
24 the business of the coalition.

25           9. A voting member of an early learning coalition may  
26 not appoint a designee to act in his or her place, except as  
27 otherwise provided in this paragraph. A voting member may send  
28 a representative to coalition meetings, but that  
29 representative does not have voting privileges. When a  
30 district administrator for the Department of Children and  
31 Family Services appoints a designee to an early learning

1 coalition, the designee is the voting member of the coalition,  
2 and any individual attending in the designee's place,  
3 including the district administrator, does not have voting  
4 privileges.

5           10. Each member of an early learning coalition is  
6 subject to ss. 112.313, 112.3135, and 112.3143. For purposes  
7 of s. 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is  
8 a local public officer who must abstain from voting when a  
9 voting conflict exists.

10           11. For purposes of tort liability, each member or  
11 employee of an early learning coalition shall be governed by  
12 s. 768.28.

13           12. An early learning coalition serving a multicounty  
14 region must include representation from each county.

15           13. Each early learning coalition shall establish  
16 terms for all appointed members of the coalition. The terms  
17 must be staggered and must be a uniform length that does not  
18 exceed 4 years per term. Appointed members may serve a maximum  
19 of two consecutive terms. When a vacancy occurs in an  
20 appointed position, the coalition must advertise the vacancy.

21           Section 11. This act shall take effect January 1,  
22 2008.

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SENATE SUMMARY

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3 Revises various provisions of the code of ethics for  
4 public officers and employees. Redefines the term  
5 "business entity" to include a company. Requires that a  
6 state or local public officer disclose the known  
7 interests of his or her principals, relatives, or  
8 business associates when voting in an official capacity.  
9 Redefines the term "local officer" to include an  
10 appointed member of the board of a community  
11 redevelopment agency, a finance director of a local  
12 government, and a special master for a political  
13 subdivision. Redefines the term "procurement employee" to  
14 revise the types of employees included within that  
15 definition. Prohibits a reporting individual or  
16 procurement employee from soliciting a gift, or accepting  
17 a gift in excess of a specified value, from a vendor  
18 doing business with the individual's or employee's  
19 agency. Prohibits the vendor from making such a gift to  
20 such individual or employee. Requires that the Ethics  
21 Commission investigate prohibited expenditures. Provides  
22 for the investigation of lobbyists and principals under  
23 certain circumstances. Requires that a fine be assessed  
24 against a person who fails to provide required  
25 information or who provides false information. Provides  
26 standards of conduct for officers and employees of  
27 entities serving as the chief administrative officer of a  
28 political subdivision. (See bill for details.)  
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