

1 A bill to be entitled
 2 An act relating to state public officials; creating s.
 3 112.3142, F.S.; defining the terms "cabinet member" and
 4 "covered public official"; requiring a covered public
 5 official to place all of his or her personal investments
 6 of stocks and bonds into a publicly traded mutual fund or
 7 a qualified blind trust; providing for after-acquired
 8 financial interests; setting forth the requirements for a
 9 qualifying blind trust; requiring that a copy of the
 10 qualified blind trust agreement be filed with the
 11 Commission on Ethics within a specified period; providing
 12 for the revocation of a qualified blind trust; prohibiting
 13 a covered public official from attempting to influence or
 14 exercise any control over decisions regarding the
 15 management of the qualified blind trust or engaging in any
 16 activity involving a violation of the standards of conduct
 17 for public officers set forth in law; providing an
 18 effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Section 112.3142, Florida Statutes, is created
 23 to read:

- 24 112.3142 Qualified blind trusts.--
 25 (1) As used in this section, the term:
 26 (a) "Cabinet" member has the same meaning as in s. 20.03.
 27 (b) "Commission" means the Commission on Ethics.
 28 (c) "Covered public official" means the Governor, the

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29 Lieutenant Governor, and each member of the Cabinet.

30 (2)(a) A covered public official shall, before taking
31 office, place all of his or her personal investments of stocks
32 and bonds into a publicly traded mutual fund or a qualified
33 blind trust.

34 (b) During the covered public official's term of office,
35 he or she may not voluntarily acquire any personal investment in
36 a stock or bond except in the form of publicly traded mutual
37 funds.

38 (c) If the covered public official acquires a financial
39 interest in the stock or bond of a business entity during the
40 covered public official's term of office due to events or
41 actions beyond the covered public official's control, the
42 covered public official shall immediately sell the financial
43 interest or place the financial interest in a qualified blind
44 trust.

45 (3) In order to constitute a qualified blind trust, the
46 trust must be established by the covered public official and
47 meet the following requirements:

48 (a) The person appointed as a trustee of the qualified
49 blind trust must be:

50 1. A disinterested party. A disinterested party may not be
51 the covered public official's spouse, child, parent,
52 grandparent, grandchild, brother, sister, parent-in-law,
53 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
54 the spouse of any such person.

55 2. A person who is not an elected or appointed public
56 officer or a public employee.

57 3. A person who has not been appointed to serve in an
58 agency by the covered public official or by a public officer or
59 public employee supervised by the covered public official.

60 (b) The qualified blind trust agreement must give the
61 trustee complete discretion to manage the trust, including, but
62 not limited to, the power to dispose of or acquire trust assets
63 without consulting or notifying the covered public official.

64 (c) The trustee must notify the covered public official of
65 the date of disposition and value at disposition of any original
66 investment or interest in real property in order that the
67 information may be reported on the covered public official's
68 statement of financial interests and applicable tax returns.

69 (d) The qualified blind trust agreement must prohibit the
70 trustee from disclosing to the covered public official any
71 information concerning replacement assets to the trust, except
72 for information required for inclusion in disclosure forms
73 required under this part and the minimum tax information that
74 lists only the totals of taxable items from the trust and does
75 not describe the source of individual items of income.

76 (4) A copy of the qualified blind trust agreement must be
77 filed with the commission no later than 5 business days after
78 the agreement is executed and must include:

79 (a) A listing of the assets placed in the qualified blind
80 trust;

81 (b) A statement detailing the date the agreement was
82 executed;

83 (c) The name and address of the trustee; and

84 (d) A separate statement signed by the trustee, under

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85 penalty of perjury, certifying that he or she has not revealed
86 any information to the covered public official except for
87 information that is authorized under this section, and that, to
88 the best of the trustee's knowledge, the submitted qualified
89 blind trust agreement complies with this section.

90 (5) If the trust is revoked by the covered public official
91 while the official remains a covered public official, or if the
92 covered public official learns of any replacement assets that
93 are added to the qualified blind trust, the covered public
94 official must file an amendment to his or her most recent
95 statement of financial interests. The amendment must be filed no
96 later than 60 days after the date of revocation or the addition
97 of the replacement assets. The covered public official must
98 disclose the previously unreported pro rata share of the
99 qualified blind trust's interests in investments or income
100 deriving from any such investments. For the purpose of this
101 section, any replaced asset of which the covered public official
102 learns shall thereafter be treated as though the asset were an
103 original asset of the qualified blind trust.

104 (6) A covered public official may not:

105 (a) Attempt to influence or exercise any control over
106 decisions regarding the management of the qualified blind trust.

107 (b) Engage, directly or indirectly, in an activity
108 involving any financial interest of the public official which
109 violates s. 112.313.

110 Section 2. This act shall take effect July 1, 2007.