

20132er

1  
2 An act relating to ethics; amending s. 112.312, F.S.;  
3 revising the definitions of "business entity" and  
4 "gift"; creating s. 112.3125, F.S.; defining the term  
5 "public officer"; prohibiting public officers from  
6 accepting additional employment with the state or any  
7 of its political subdivisions under specified  
8 conditions; amending s. 112.313, F.S.; prohibiting a  
9 former legislator from acting as a lobbyist before an  
10 executive branch agency, agency official, or employee  
11 for a specified period following vacation of office;  
12 providing definitions; creating s. 112.3142, F.S.;  
13 defining the term "constitutional officers"; requiring  
14 constitutional officers to complete annual ethics  
15 training; specifying requirements for ethics training;  
16 requiring the commission to adopt rules to establish  
17 minimum course content; requiring each house of the  
18 Legislature to provide for ethics training pursuant to  
19 its rules; creating s. 112.31425, F.S.; providing  
20 legislative findings; providing that holding an  
21 economic interest in a qualified blind trust is not a  
22 prohibited conflict of interest; providing that a  
23 public officer may not attempt to influence, exercise  
24 control of, or obtain information regarding the  
25 holdings of the qualified blind trust; prohibiting  
26 communication regarding the qualified blind trust  
27 between a public officer or a person having a  
28 beneficial interest in the trust and the trustee;  
29 providing exceptions; requiring a public officer to

20132er

30 report the qualified blind trust and its value on his  
31 or her financial disclosure form under specified  
32 circumstances; establishing requirements for creation  
33 of a qualified blind trust; requiring a public officer  
34 who holds a qualified blind trust to file a notice  
35 with the Commission on Ethics; requiring a covered  
36 public official to file an amendment to his or her  
37 most recent financial disclosure statement under  
38 specified conditions; amending s. 112.3143, F.S.;  
39 providing definitions; requiring state public officers  
40 to abstain from voting on any matter that the officer  
41 knows would inure to his or her special private gain  
42 or loss; requiring that a memorandum filed after a  
43 vote be filed no later than 15 days after the vote;  
44 providing that a member of the Legislature satisfies  
45 the disclosure requirement by filing a form created  
46 pursuant to the rules of his or her respective house;  
47 providing that confidential or privileged information  
48 need not be disclosed; amending s. 112.3144, F.S.;  
49 requiring the qualifying officer to electronically  
50 transmit a full and public disclosure of financial  
51 interests of a qualified candidate to the commission;  
52 providing timeframes for the filing of certain  
53 complaints; authorizing filing individuals to file an  
54 amended statement during a specified timeframe under  
55 specified conditions; authorizing the commission to  
56 immediately follow complaint procedures under  
57 specified conditions; prohibiting the commission from  
58 taking action on complaints alleging immaterial,

20132er

59       inconsequential, or de minimis errors or omissions;  
60       providing what constitutes an immaterial,  
61       inconsequential, or de minimis error or omission;  
62       authorizing an individual required to file a  
63       disclosure to have the statement prepared by an  
64       attorney or a certified public accountant; requiring  
65       an attorney or certified public accountant to sign the  
66       completed disclosure form to indicate compliance with  
67       applicable requirements and that the disclosure is  
68       true and correct based on reasonable knowledge and  
69       belief; providing circumstances under which the  
70       commission must determine if an attorney or a  
71       certified public accountant failed to disclose  
72       information provided by the filing individual on the  
73       filed statement; providing that the failure of the  
74       attorney or certified public accountant to accurately  
75       transcribe information provided by the filing  
76       individual does not constitute a violation;  
77       authorizing an elected officer or candidate to use  
78       funds in an office account or campaign depository to  
79       pay an attorney or certified public accountant for  
80       preparing a disclosure; creating s. 112.31445, F.S.;  
81       providing a definition for "electronic filing system";  
82       requiring all disclosures of financial interests filed  
83       with the commission to be scanned and made publicly  
84       available on a searchable Internet database beginning  
85       with the 2012 filing year; requiring the commission to  
86       submit a proposal to the President of the Senate and  
87       the Speaker of the House of Representatives for a

20132er

88 mandatory electronic filing system by a specified  
89 date; establishing minimum requirements for the  
90 commission's proposal; amending s. 112.3145, F.S.;  
91 revising the definitions of "local officer" and  
92 "specified state employee"; revising procedures for  
93 the filing of a statement of financial interests with  
94 a candidate's qualifying papers; requiring a person  
95 filing a statement of financial interest to indicate  
96 the method of reporting income; providing timeframes  
97 for the filing of certain complaints; authorizing  
98 filing individuals to file an amended statement during  
99 a specified timeframe under specified conditions;  
100 authorizing the commission to immediately follow  
101 complaint procedures under specified conditions;  
102 prohibiting the commission from taking action on  
103 complaints alleging immaterial, inconsequential, or de  
104 minimis errors or omissions; providing what  
105 constitutes an immaterial, inconsequential, or de  
106 minimis error or omission; authorizing an individual  
107 required to file a disclosure to have the statement  
108 prepared by an attorney or a certified public  
109 accountant; requiring an attorney or certified public  
110 accountant to sign the completed disclosure form to  
111 indicate compliance with applicable requirements and  
112 that the disclosure is true and correct based on  
113 reasonable knowledge and belief; providing  
114 circumstances under which the commission must  
115 determine if an attorney or a certified public  
116 accountant failed to disclose information provided by

20132er

117 the filing individual on the filed statement;  
118 providing that the failure of the attorney or  
119 certified public accountant to accurately transcribe  
120 information provided by the filing individual does not  
121 constitute a violation; authorizing an elected officer  
122 or candidate to use funds in an office account or  
123 campaign depository to pay an attorney or certified  
124 public accountant for preparing a disclosure; creating  
125 s. 112.31455, F.S.; requiring the commission to  
126 attempt to determine whether an individual owing  
127 certain fines is a current public officer or public  
128 employee; authorizing the commission to notify the  
129 Chief Financial Officer or the governing body of a  
130 county, municipality, or special district of the total  
131 amount of any fine owed to the commission by such  
132 individuals; requiring that the Chief Financial  
133 Officer or the governing body of a county,  
134 municipality, or special district begin withholding  
135 portions of any salary payment that would otherwise be  
136 paid to the current public officer or public employee;  
137 requiring that the withheld payments be remitted to  
138 the commission until the fine is satisfied;  
139 authorizing the Chief Financial Officer or the  
140 governing body to retain a portion of payment for  
141 administrative costs; authorizing collection methods  
142 for the commission or the Department of Financial  
143 Services for individuals who are no longer public  
144 officers or public employees; authorizing the  
145 commission to contract with a collection agency;

20132er

146 authorizing a collection agency to utilize collection  
147 methods authorized by law; authorizing the commission  
148 to collect an unpaid fine within a specified period of  
149 issuance of the final order; amending s. 112.3147,  
150 F.S.; providing an exception to the requirement that  
151 all forms be prescribed by the commission; amending s.  
152 112.3148, F.S.; revising the definition of  
153 "procurement employee"; creating a definition for  
154 "vendor"; prohibiting a reporting individual or  
155 procurement employee from soliciting or knowingly  
156 accepting a gift from a vendor; deleting references to  
157 committees of continuous existence; creating s.  
158 112.31485, F.S.; providing definitions for "gift" and  
159 "immediate family"; prohibiting a reporting individual  
160 or procurement employee or a member of his or her  
161 immediate family from soliciting or knowingly  
162 accepting any gift from a political committee;  
163 prohibiting a political committee from giving any gift  
164 to a reporting individual or procurement employee or a  
165 member of his or her immediate family; providing  
166 penalties for a violation; requiring that individuals  
167 who violate this section be held personally liable;  
168 amending s. 112.3149, F.S.; revising the definition of  
169 "procurement employee"; defining the term "vendor";  
170 prohibiting a reporting individual or procurement  
171 employee from knowingly accepting an honorarium from a  
172 vendor; prohibiting a vendor from giving an honorarium  
173 to a reporting individual or procurement employee;  
174 amending s. 112.317, F.S.; making technical changes;

20132er

175 amending s. 112.3215, F.S.; authorizing the commission  
176 to investigate sworn complaints alleging a prohibited  
177 expenditure; authorizing the commission to investigate  
178 a lobbyist or principal upon a sworn complaint or  
179 random audit; authorizing the Governor and Cabinet to  
180 assess a fine on a lobbyist or principal under  
181 specified conditions; providing a civil penalty;  
182 amending s. 112.324, F.S.; authorizing specified  
183 parties to submit written referrals of a possible  
184 violation of the Code of Ethics for Public Officers  
185 and Employees or other possible breaches of the public  
186 trust to the Commission on Ethics; establishing  
187 procedures for the receipt of written referrals by the  
188 commission; extending the period in which the  
189 disclosure of the intent to file or the filing of a  
190 complaint against a candidate is prohibited; providing  
191 exceptions; authorizing the commission to dismiss a  
192 complaint of a de minimis violation; providing  
193 exceptions; defining a de minimis violation;  
194 reenacting s. 120.665, F.S., relating to  
195 disqualification of agency personnel, to incorporate  
196 the amendments to s. 112.3143, F.S., in a reference  
197 thereto; reenacting s. 286.012, F.S., relating to  
198 voting requirements at meetings of governmental  
199 bodies, to incorporate the amendments made to s.  
200 112.3143, F.S., in a reference thereto; reenacting s.  
201 287.175, F.S., relating to penalties, to incorporate  
202 the amendments made to s. 112.324, F.S., in a  
203 reference thereto; amending s. 288.901, F.S.;

20132er

204 conforming a cross-reference; amending s. 445.007,  
205 F.S., and reenacting subsection (1) of that section,  
206 relating to regional workforce boards, to incorporate  
207 the amendments made to s. 112.3143, F.S., in a  
208 reference thereto; conforming cross-references;  
209 reenacting s. 627.311(5) (m), F.S., relating to joint  
210 underwriters and joint reinsurers, to incorporate the  
211 amendments made to s. 112.3143, F.S., in a reference  
212 thereto; reenacting s. 627.351(6) (d), F.S., relating  
213 to Citizens Property Insurance Corporation, to  
214 incorporate the amendments made to s. 112.3143, F.S.;  
215 providing an effective date.

216  
217 Be It Enacted by the Legislature of the State of Florida:

218  
219 Section 1. Subsection (5) and paragraph (b) of subsection  
220 (12) of section 112.312, Florida Statutes, are amended to read:  
221 112.312 Definitions.—As used in this part and for purposes  
222 of the provisions of s. 8, Art. II of the State Constitution,  
223 unless the context otherwise requires:

224 (5) "Business entity" means any corporation, partnership,  
225 limited partnership, company, limited liability company,  
226 proprietorship, firm, enterprise, franchise, association, self-  
227 employed individual, or trust, whether fictitiously named or  
228 not, doing business in this state.

229 (12)

230 (b) "Gift" does not include:

231 1. Salary, benefits, services, fees, commissions, gifts, or  
232 expenses associated primarily with the donee's employment,



20132er

233 business, or service as an officer or director of a corporation  
234 or organization.

235 2. Except as provided in s. 112.31485, contributions or  
236 expenditures reported pursuant to chapter 106, contributions or  
237 expenditures reported pursuant to federal election law,  
238 campaign-related personal services provided without compensation  
239 by individuals volunteering their time, or any other  
240 contribution or expenditure by a political party or affiliated  
241 party committee.

242 3. An honorarium or an expense related to an honorarium  
243 event paid to a person or the person's spouse.

244 4. An award, plaque, certificate, or similar personalized  
245 item given in recognition of the donee's public, civic,  
246 charitable, or professional service.

247 5. An honorary membership in a service or fraternal  
248 organization presented merely as a courtesy by such  
249 organization.

250 6. The use of a public facility or public property, made  
251 available by a governmental agency, for a public purpose.

252 7. Transportation provided to a public officer or employee  
253 by an agency in relation to officially approved governmental  
254 business.

255 8. Gifts provided directly or indirectly by a state,  
256 regional, or national organization which promotes the exchange  
257 of ideas between, or the professional development of,  
258 governmental officials or employees, and whose membership is  
259 primarily composed of elected or appointed public officials or  
260 staff, to members of that organization or officials or staff of  
261 a governmental agency that is a member of that organization.

20132er

262 Section 2. Section 112.3125, Florida Statutes, is created  
263 to read:

264 112.3125 Dual public employment.-

265 (1) As used in this section, the term "public officer"  
266 includes any person who is elected to state or local office or,  
267 for the period of his or her candidacy, any person who has  
268 qualified as a candidate for state or local office.

269 (2) A public officer may not accept public employment with  
270 the state or any of its political subdivisions if the public  
271 officer knows, or with the exercise of reasonable care should  
272 know, that the position is being offered by the employer for the  
273 purpose of gaining influence or other advantage based on the  
274 public officer's office or candidacy.

275 (3) Any public employment accepted by a public officer must  
276 meet all of the following conditions:

277 (a)1. The position was already in existence or was created  
278 by the employer without the knowledge or anticipation of the  
279 public officer's interest in such position;

280 2. The position was publicly advertised;

281 3. The public officer was subject to the same application  
282 and hiring process as other candidates for the position; and

283 4. The public officer meets or exceeds the required  
284 qualifications for the position.

285 (4) A person who was employed by the state or any of its  
286 political subdivisions before qualifying as a public officer for  
287 his or her current term of office or the next available term of  
288 office may continue his or her employment. However, he or she  
289 may not accept promotion, advancement, additional compensation,  
290 or anything of value that he or she knows, or with the exercise

20132er

291 of reasonable care should know, is provided or given as a result  
292 of his or her election or position, or that is otherwise  
293 inconsistent with the promotion, advancement, additional  
294 compensation, or anything of value provided or given an employee  
295 who is similarly situated.

296 (5) This section may not be interpreted as authorizing  
297 employment that is otherwise prohibited by law.

298 Section 3. Paragraph (a) of subsection (9) of section  
299 112.313, Florida Statutes, is amended to read:

300 112.313 Standards of conduct for public officers, employees  
301 of agencies, and local government attorneys.—

302 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
303 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

304 (a)1. It is the intent of the Legislature to implement by  
305 statute the provisions of s. 8(e), Art. II of the State  
306 Constitution relating to legislators, statewide elected  
307 officers, appointed state officers, and designated public  
308 employees.

309 2. As used in this paragraph:

310 a. "Employee" means:

311 (I) Any person employed in the executive or legislative  
312 branch of government holding a position in the Senior Management  
313 Service as defined in s. 110.402 or any person holding a  
314 position in the Selected Exempt Service as defined in s. 110.602  
315 or any person having authority over policy or procurement  
316 employed by the Department of the Lottery.

317 (II) The Auditor General, the director of the Office of  
318 Program Policy Analysis and Government Accountability, the  
319 Sergeant at Arms and Secretary of the Senate, and the Sergeant

20132er

320 at Arms and Clerk of the House of Representatives.

321 (III) The executive director and deputy executive director  
322 of the Commission on Ethics.

323 (IV) An executive director, staff director, or deputy staff  
324 director of each joint committee, standing committee, or select  
325 committee of the Legislature; an executive director, staff  
326 director, executive assistant, analyst, or attorney of the  
327 Office of the President of the Senate, the Office of the Speaker  
328 of the House of Representatives, the Senate Majority Party  
329 Office, Senate Minority Party Office, House Majority Party  
330 Office, or House Minority Party Office; or any person, hired on  
331 a contractual basis, having the power normally conferred upon  
332 such persons, by whatever title.

333 (V) The Chancellor and Vice Chancellors of the State  
334 University System; the general counsel to the Board of Governors  
335 of the State University System; and the president, provost, vice  
336 presidents, and deans of each state university.

337 (VI) Any person, including an other-personal-services  
338 employee, having the power normally conferred upon the positions  
339 referenced in this sub-subparagraph.

340 b. "Appointed state officer" means any member of an  
341 appointive board, commission, committee, council, or authority  
342 of the executive or legislative branch of state government whose  
343 powers, jurisdiction, and authority are not solely advisory and  
344 include the final determination or adjudication of any personal  
345 or property rights, duties, or obligations, other than those  
346 relative to its internal operations.

347 c. "State agency" means an entity of the legislative,  
348 executive, or judicial branch of state government over which the

20132er

349 Legislature exercises plenary budgetary and statutory control.

350       3.a. No member of the Legislature, appointed state officer,  
351 or statewide elected officer shall personally represent another  
352 person or entity for compensation before the government body or  
353 agency of which the individual was an officer or member for a  
354 period of 2 years following vacation of office. No member of the  
355 Legislature shall personally represent another person or entity  
356 for compensation during his or her term of office before any  
357 state agency other than judicial tribunals or in settlement  
358 negotiations after the filing of a lawsuit.

359       b. For a period of 2 years following vacation of office, a  
360 former member of the Legislature may not act as a lobbyist for  
361 compensation before an executive branch agency, agency official,  
362 or employee. The terms used in this sub-subparagraph have the  
363 same meanings as provided in s. 112.3215.

364       4. An agency employee, including an agency employee who was  
365 employed on July 1, 2001, in a Career Service System position  
366 that was transferred to the Selected Exempt Service System under  
367 chapter 2001-43, Laws of Florida, may not personally represent  
368 another person or entity for compensation before the agency with  
369 which he or she was employed for a period of 2 years following  
370 vacation of position, unless employed by another agency of state  
371 government.

372       5. Any person violating this paragraph shall be subject to  
373 the penalties provided in s. 112.317 and a civil penalty of an  
374 amount equal to the compensation which the person receives for  
375 the prohibited conduct.

376       6. This paragraph is not applicable to:

377       a. A person employed by the Legislature or other agency

20132er

378 prior to July 1, 1989;

379 b. A person who was employed by the Legislature or other  
380 agency on July 1, 1989, whether or not the person was a defined  
381 employee on July 1, 1989;

382 c. A person who was a defined employee of the State  
383 University System or the Public Service Commission who held such  
384 employment on December 31, 1994;

385 d. A person who has reached normal retirement age as  
386 defined in s. 121.021(29), and who has retired under the  
387 provisions of chapter 121 by July 1, 1991; or

388 e. Any appointed state officer whose term of office began  
389 before January 1, 1995, unless reappointed to that office on or  
390 after January 1, 1995.

391 Section 4. Section 112.3142, Florida Statutes, is created  
392 to read:

393 112.3142 Ethics training for specified constitutional  
394 officers.—

395 (1) As used in this section, the term "constitutional  
396 officers" includes the Governor, the Lieutenant Governor, the  
397 Attorney General, the Chief Financial Officer, the Commissioner  
398 of Agriculture, state attorneys, public defenders, sheriffs, tax  
399 collectors, property appraisers, supervisors of elections,  
400 clerks of the circuit court, county commissioners, district  
401 school board members, and superintendents of schools.

402 (2) (a) All constitutional officers must complete 4 hours of  
403 ethics training annually that addresses, at a minimum, s. 8,  
404 Art. II of the State Constitution, the Code of Ethics for Public  
405 Officers and Employees, and the public records and public  
406 meetings laws of this state. This requirement may be satisfied

20132er

407 by completion of a continuing legal education class or other  
408 continuing professional education class, seminar, or  
409 presentation if the required subjects are covered.

410 (b) The commission shall adopt rules establishing minimum  
411 course content for the portion of an ethics training class that  
412 addresses s. 8, Art. II of the State Constitution and the Code  
413 of Ethics for Public Officers and Employees.

414 (3) Each house of the Legislature shall provide for ethics  
415 training pursuant to its rules.

416 Section 5. Section 112.31425, Florida Statutes, is created  
417 to read:

418 112.31425 Qualified blind trusts.-

419 (1) The Legislature finds that if a public officer creates  
420 a trust and does not control the interests held by the trust,  
421 his or her official actions will not be influenced or appear to  
422 be influenced by private considerations.

423 (2) If a public officer holds a beneficial interest in a  
424 qualified blind trust as described in this section, he or she  
425 does not have a conflict of interest prohibited under s.  
426 112.313(3) or (7) or a voting conflict of interest under s.  
427 112.3143 with regard to matters pertaining to that interest.

428 (3) The public officer may not attempt to influence or  
429 exercise any control over decisions regarding the management of  
430 assets in a qualified blind trust. The public officer or any  
431 person having a beneficial interest in the qualified blind trust  
432 may not make any effort to obtain information with respect to  
433 the holdings of the trust, including obtaining a copy of any  
434 trust tax return filed or any information relating thereto,  
435 except as otherwise provided in this section.

20132er

436           (4) Except for communications that consist solely of  
437 requests for distributions of cash or other unspecified assets  
438 of the trust, the public officer or the person who has a  
439 beneficial interest may not have any direct or indirect  
440 communication with the trustee with respect to the trust, unless  
441 such communication is in writing and relates only to:

442           (a) A distribution from the trust which does not specify  
443 the source or assets within the trust from which the  
444 distribution is to be made in cash or in kind;

445           (b) The general financial interests and needs of the public  
446 officer or the person who has a beneficial interest, including,  
447 but not limited to, an interest in maximizing income or long-  
448 term capital gain;

449           (c) A notification of the trustee of a law or regulation  
450 subsequently applicable to the public officer which prohibits  
451 the officer from holding an asset and directs that the asset not  
452 be held by the trust; or

453           (d) A direction to the trustee to sell all of an asset  
454 initially placed in the trust by the public officer which, in  
455 the determination of the public officer, creates a conflict of  
456 interest or the appearance thereof due to the subsequent  
457 assumption of duties by the public officer.

458           (5) The public officer shall report the beneficial interest  
459 in the qualified blind trust and its value as an asset on his or  
460 her financial disclosure form, if the value is required to be  
461 disclosed. The public officer shall report the blind trust as a  
462 primary source of income on his or her financial disclosure  
463 forms and its amount, if the amount of income is required to be  
464 disclosed. The public officer is not required to report as a



20132er

465 secondary source of income any source of income to the blind  
466 trust.

467 (6) In order to constitute a qualified blind trust, the  
468 trust established by the public officer must meet the following  
469 requirements:

470 (a) The appointed trustee must be a bank, trust company, or  
471 other institutional fiduciary or an individual who is an  
472 attorney, certified public accountant, broker, or investment  
473 advisor. If the trustee is an individual or if the trustee is a  
474 bank, trust company, or other institutional fiduciary, the  
475 individual responsible for managing the trust may not be:

476 1. The public officer's spouse, child, parent, grandparent,  
477 grandchild, brother, sister, parent-in-law, brother-in-law,  
478 sister-in-law, aunt, uncle, or first cousin, or the spouse of  
479 any such person;

480 2. A person who is an elected or appointed public officer  
481 or a public employee;

482 3. A person who has been appointed to serve in an agency by  
483 the public officer or by a public officer or public employee  
484 supervised by the public officer; or

485 4. A business associate or principal of the public officer.

486 (b) All assets in the trust must be free of any  
487 restrictions with respect to their transfer or sale. The trust  
488 may not contain investments or assets the transfer of which by  
489 the trustee is improbable or impractical without the public  
490 officer's knowledge.

491 (c) The trust agreement must:

492 1. Contain a statement that its purpose is to remove from  
493 the grantor control and knowledge of investment of trust assets

20132er

494 so that conflicts between the grantor's responsibilities as a  
495 public officer and his or her private interests are eliminated.

496 2. Give the trustee complete discretion to manage the  
497 trust, including, but not limited to, the power to dispose of  
498 and acquire trust assets without consulting or notifying the  
499 covered public officer or the person having a beneficial  
500 interest in the trust.

501 3. Prohibit communication between the trustee and the  
502 public officer, or the person who has a beneficial interest in  
503 the trust, concerning the holdings or sources of income of the  
504 trust, except amounts of cash value or net income or loss, if  
505 such report does not identify any asset or holding, or except as  
506 provided in this section.

507 4. Provide that the trust tax return is prepared by the  
508 trustee or his or her designee and that any information relating  
509 thereto is not disclosed to the public officer or to the person  
510 who has a beneficial interest, except as provided in this  
511 section.

512 5. Permit the trustee to notify the public officer of the  
513 date of disposition and value at disposition of any original  
514 investment or interest in real property to the extent required  
515 by federal tax law so that the information can be reported on  
516 the public officer's applicable tax returns.

517 6. Prohibit the trustee from disclosing to the public  
518 officer or the person who has a beneficial interest any  
519 information concerning replacement assets to the trust, except  
520 for the minimum tax information necessary to enable the public  
521 official to complete an individual tax return required by law.

522 (d) Within 5 business days after the agreement is executed,

20132er

523 the public officer shall file with the commission a notice  
524 setting forth:

525 1. The date that the agreement is executed.

526 2. The name and address of the trustee.

527 3. The acknowledgement by the trustee that he or she has  
528 agreed to serve as trustee.

529 4. A certification by the trustee on a form prescribed by  
530 the commission that the trust meets all of the requirements of  
531 this section. In lieu of said certification, the public officer  
532 may file a copy of the trust agreement.

533 5. A complete list of assets placed in the trust that the  
534 public officer would be required to disclose pursuant to ss.  
535 112.3144 or 112.3145.

536 (7) If the trust is revoked while the covered public  
537 official is a public officer, or if the covered public official  
538 learns of any replacement assets that have been added to the  
539 trust, the covered public official shall file an amendment to  
540 his or her most recent financial disclosure statement. The  
541 amendment shall be filed no later than 60 days after the date of  
542 revocation or the addition of the replacement assets. The  
543 covered public official shall disclose the previously unreported  
544 pro rata share of the trust's interests in investments or income  
545 deriving from any such investments. For purposes of this  
546 section, any replacement asset that becomes known to the covered  
547 public official shall thereafter be treated as though it were an  
548 original asset of the trust.

549 Section 6. Subsections (1) and (2) of section 112.3143,  
550 Florida Statutes, are amended, current subsection (5) of that  
551 section is renumbered as subsection (6), and a new subsection

20132er

552 (5) is added to that section, to read:

553 112.3143 Voting conflicts.—

554 (1) As used in this section:

555 (a) "Principal by whom retained" means an individual or  
556 entity, other than an agency as defined in s. 112.312(2), that  
557 for compensation, salary, pay, consideration, or similar thing  
558 of value, has permitted or directed another to act for the  
559 individual or entity, and includes, but is not limited to, one's  
560 client, employer, or the parent, subsidiary, or sibling  
561 organization of one's client or employer.

562 (b)-~~(a)~~ "Public officer" includes any person elected or  
563 appointed to hold office in any agency, including any person  
564 serving on an advisory body.

565 (c)-~~(b)~~ "Relative" means any father, mother, son, daughter,  
566 husband, wife, brother, sister, father-in-law, mother-in-law,  
567 son-in-law, or daughter-in-law.

568 (d) "Special private gain or loss" means an economic  
569 benefit or harm that would inure to the officer, his or her  
570 relative, business associate, or principal, unless the measure  
571 affects a class that includes the officer, his or her relative,  
572 business associate, or principal, in which case, at least the  
573 following factors must be considered when determining whether a  
574 special private gain or loss exists:

575 1. The size of the class affected by the vote.

576 2. The nature of the interests involved.

577 3. The degree to which the interests of all members of the  
578 class are affected by the vote.

579 4. The degree to which the officer, his or her relative,  
580 business associate, or principal receives a greater benefit or

20132er

581 harm when compared to other members of the class.

582  
583 The degree to which there is uncertainty at the time of the vote  
584 as to whether there would be any economic benefit or harm to the  
585 public officer, his or her relative, business associate, or  
586 principal and, if so, the nature or degree of the economic  
587 benefit or harm must also be considered.

588 (2) (a) A No state public officer may not vote on any matter  
589 that the officer knows would inure to his or her special private  
590 gain or loss ~~is prohibited from voting in an official capacity~~  
591 ~~on any matter. However,~~ Any state public officer who abstains  
592 from voting in an official capacity upon any measure that which  
593 the officer knows would inure to the officer's special private  
594 gain or loss, or who votes in an official capacity on a measure  
595 that, which he or she knows would inure to the special private  
596 gain or loss of any principal by whom the officer is retained or  
597 to the parent organization or subsidiary of a corporate  
598 principal by which the officer is retained other than an agency  
599 as defined in s. 112.312(2); or which the officer knows would  
600 inure to the special private gain or loss of a relative or  
601 business associate of the public officer, shall make every  
602 reasonable effort to, ~~within 15 days after the vote occurs,~~  
603 disclose the nature of his or her interest as a public record in  
604 a memorandum filed with the person responsible for recording the  
605 minutes of the meeting, who shall incorporate the memorandum in  
606 the minutes. If it is not possible for the state public officer  
607 to file a memorandum before the vote, the memorandum must be  
608 filed with the person responsible for recording the minutes of  
609 the meeting no later than 15 days after the vote.

20132er

610           (b) A member of the Legislature may satisfy the disclosure  
611 requirements of this section by filing a disclosure form created  
612 pursuant to the rules of the member's respective house if the  
613 member discloses the information required by this subsection.

614           (5) If disclosure of specific information would violate  
615 confidentiality or privilege pursuant to law or rules governing  
616 attorneys, a public officer, who is also an attorney, may comply  
617 with the disclosure requirements of this section by disclosing  
618 the nature of the interest in such a way as to provide the  
619 public with notice of the conflict.

620           Section 7. Subsection (2) of section 112.3144, Florida  
621 Statutes, is amended, present subsection (7) is renumbered as  
622 subsection (9), and new subsections (7) and (8) are added to  
623 that section, to read:

624           112.3144 Full and public disclosure of financial  
625 interests.—

626           (2) A person who is required, pursuant to s. 8, Art. II of  
627 the State Constitution, to file a full and public disclosure of  
628 financial interests and who has filed a full and public  
629 disclosure of financial interests for any calendar or fiscal  
630 year shall not be required to file a statement of financial  
631 interests pursuant to s. 112.3145(2) and (3) for the same year  
632 or for any part thereof notwithstanding any requirement of this  
633 part. When a candidate has qualified for office, the qualifying  
634 officer shall forward an electronic copy of the full and public  
635 disclosure of financial interests to the commission no later  
636 than July 1. The electronic copy of the full and public  
637 disclosure of financial interests satisfies the annual  
638 disclosure requirement of this section. A candidate who does not

20132er

639 qualify until after the annual full and public disclosure has  
640 been filed pursuant to this section, ~~except that a candidate for~~  
641 ~~office~~ shall file a copy of his or her disclosure with the  
642 officer before whom he or she qualifies.

643 (7) (a) The commission shall treat an amended full and  
644 public disclosure of financial interests that is filed prior to  
645 September 1 of the current year as the original filing,  
646 regardless of whether a complaint has been filed. If a complaint  
647 pertaining to the current year alleges a failure to properly and  
648 accurately disclose any information required by this section or  
649 if a complaint filed pertaining to a previous reporting period  
650 within the preceding 5 years alleges a failure to properly and  
651 accurately disclose any information required to be disclosed by  
652 this section, the commission may immediately follow complaint  
653 procedures in s. 112.324. However, if a complaint filed after  
654 August 25 alleges an immaterial, inconsequential, or de minimis  
655 error or omission, the commission may not take any action on the  
656 complaint, other than notifying the filer of the complaint. The  
657 filer must be given 30 days to file an amended full and public  
658 disclosure of financial interests correcting any errors. If the  
659 filer does not file an amended full and public disclosure of  
660 financial interests within 30 days after the commission sends  
661 notice of the complaint, the commission may continue with  
662 proceedings pursuant to s. 112.324.

663 (b) For purposes of the final full and public disclosure of  
664 financial interests, the commission shall treat a new final full  
665 and public disclosure of financial interests as the original  
666 filing if filed within 60 days after the original filing,  
667 regardless of whether a complaint has been filed. If, more than

20132er

668 60 days after a final full and public disclosure of financial  
669 interests is filed, a complaint is filed alleging a complete  
670 omission of any information required to be disclosed by this  
671 section, the commission may immediately follow the complaint  
672 procedures in s. 112.324. However, if the complaint alleges an  
673 immaterial, inconsequential, or de minimis error or omission,  
674 the commission may not take any action on the complaint, other  
675 than notifying the filer of the complaint. The filer must be  
676 given 30 days to file a new final full and public disclosure of  
677 financial interests correcting any errors. If the filer does not  
678 file a new final full and public disclosure of financial  
679 interests within 30 days after the commission sends notice of  
680 the complaint, the commission may continue with proceedings  
681 pursuant to s. 112.324.

682 (c) For purposes of this section, an error or omission is  
683 immaterial, inconsequential, or de minimis if the original  
684 filing provided sufficient information for the public to  
685 identify potential conflicts of interest.

686 (8) (a) An individual required to file a disclosure pursuant  
687 to this section may have the disclosure prepared by an attorney  
688 in good standing with The Florida Bar or by a certified public  
689 accountant licensed under chapter 473. After preparing a  
690 disclosure form, the attorney or certified public accountant  
691 must sign the form indicating that he or she prepared the form  
692 in accordance with this section and the instructions for  
693 completing and filing the disclosure forms and that, upon his or  
694 her reasonable knowledge and belief, the disclosure is true and  
695 correct. If a complaint is filed alleging a failure to disclose  
696 information required by this section, the commission shall



20132er

697 determine whether the information was disclosed to the attorney  
698 or certified public accountant. The failure of the attorney or  
699 certified public accountant to accurately transcribe information  
700 provided by the individual required to file is not a violation  
701 of this section.

702 (b) An elected officer or candidate who chooses to use an  
703 attorney or a certified public accountant to prepare his or her  
704 disclosure may pay for the services of the attorney or certified  
705 public accountant from funds in an office account created  
706 pursuant to s. 106.141 or, during a year that the individual  
707 qualifies for election to public office, the candidate's  
708 campaign depository pursuant to s. 106.021.

709 Section 8. Section 112.31445, Florida Statutes, is created  
710 to read:

711 112.31445 Electronic filing system; full and public  
712 disclosure of financial interests.-

713 (1) As used in this section, the term "electronic filing  
714 system" means an Internet system for recording and reporting  
715 full and public disclosure of financial interests or any other  
716 form that is required pursuant to s. 112.3144.

717 (2) Beginning with the 2012 filing year, all full and  
718 public disclosures of financial interests filed with the  
719 commission pursuant to s. 8, Art. II of the State Constitution  
720 or s. 112.3144 must be scanned and made publicly available by  
721 the commission through a searchable Internet database.

722 (3) By December 1, 2015, the commission shall submit a  
723 proposal to the President of the Senate and the Speaker of the  
724 House of Representatives for a mandatory electronic filing  
725 system. The proposal must, at a minimum:

20132er

726 (a) Provide for access through the Internet.

727 (b) Establish a procedure to make filings available in a  
728 searchable format that is accessible by an individual using  
729 standard web-browsing software.

730 (c) Provide for direct completion of the full and public  
731 disclosure of financial interests forms as well as upload such  
732 information using software approved by the commission.

733 (d) Provide a secure method that prevents unauthorized  
734 access to electronic filing system functions.

735 (e) Provide a method for an attorney or certified public  
736 accountant licensed in this state to sign the disclosure form to  
737 indicate that he or she prepared the form in accordance with s.  
738 112.3144 and the instructions for completing and filing the  
739 disclosure form and that, upon his or her reasonable knowledge  
740 and belief, the form is true and correct.

741 (f) Address whether additional statutory or rulemaking  
742 authority is necessary for implementation of the system, and  
743 must include, at a minimum, the following elements: alternate  
744 filing procedures to be used in the event that the commission's  
745 electronic filing system is inoperable, issuance of an  
746 electronic receipt via electronic mail indicating and verifying  
747 to the individual who submitted the full and public disclosure  
748 of financial interests form that the form has been filed, and a  
749 determination of the feasibility and necessity of including  
750 statements of financial interests filed pursuant to s. 112.3145  
751 in the proposed system.

752 Section 9. Paragraphs (a) and (b) of subsection (1),  
753 paragraph (a) of subsection (2), and subsection (3) of section  
754 112.3145, Florida Statutes, are amended, present subsection (9)

20132er

755 of that section is renumbered as subsection (11), and new  
756 subsections (9) and (10) are added to that section, to read:

757 112.3145 Disclosure of financial interests and clients  
758 represented before agencies.—

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

761 (a) "Local officer" means:

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

765 2. Any appointed member of any of the following boards,  
766 councils, commissions, authorities, or other bodies of any  
767 county, municipality, school district, independent special  
768 district, or other political subdivision of the state:

769 a. The governing body of the political subdivision, if  
770 appointed;

771 ~~b. An expressway authority or transportation authority~~  
772 ~~established by general law;~~

773 b.e. A community college or junior college district board  
774 of trustees;

775 c.d. A board having the power to enforce local code  
776 provisions;

777 d.e. A planning or zoning board, board of adjustment, board  
778 of appeals, community redevelopment agency board, or other board  
779 having the power to recommend, create, or modify land planning  
780 or zoning within the political subdivision, except for citizen  
781 advisory committees, technical coordinating committees, and such  
782 other groups who only have the power to make recommendations to  
783 planning or zoning boards;

20132er

784 ~~e.f.~~ A pension board or retirement board having the power  
785 to invest pension or retirement funds or the power to make a  
786 binding determination of one's entitlement to or amount of a  
787 pension or other retirement benefit; or

788 ~~f.g.~~ Any other appointed member of a local government board  
789 who is required to file a statement of financial interests by  
790 the appointing authority or the enabling legislation, ordinance,  
791 or resolution creating the board.

792 3. Any person holding one or more of the following  
793 positions: mayor; county or city manager; chief administrative  
794 employee of a county, municipality, or other political  
795 subdivision; county or municipal attorney; finance director of a  
796 county, municipality, or other political subdivision; chief  
797 county or municipal building code inspector; county or municipal  
798 water resources coordinator; county or municipal pollution  
799 control director; county or municipal environmental control  
800 director; county or municipal administrator, with power to grant  
801 or deny a land development permit; chief of police; fire chief;  
802 municipal clerk; district school superintendent; community  
803 college president; district medical examiner; or purchasing  
804 agent having the authority to make any purchase exceeding the  
805 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
806 behalf of any political subdivision of the state or any entity  
807 thereof.

808 (b) "Specified state employee" means:

809 1. Public counsel created by chapter 350, an assistant  
810 state attorney, an assistant public defender, a criminal  
811 conflict and civil regional counsel, an assistant criminal  
812 conflict and civil regional counsel, a full-time state employee

20132er

813 who serves as counsel or assistant counsel to any state agency,  
814 the Deputy Chief Judge of Compensation Claims, a judge of  
815 compensation claims, an administrative law judge, or a hearing  
816 officer.

817 2. Any person employed in the office of the Governor or in  
818 the office of any member of the Cabinet if that person is exempt  
819 from the Career Service System, except persons employed in  
820 clerical, secretarial, or similar positions.

821 3. The State Surgeon General or each appointed secretary,  
822 assistant secretary, deputy secretary, executive director,  
823 assistant executive director, or deputy executive director of  
824 each state department, commission, board, or council; unless  
825 otherwise provided, the division director, assistant division  
826 director, deputy director, bureau chief, and assistant bureau  
827 chief of any state department or division; or any person having  
828 the power normally conferred upon such persons, by whatever  
829 title.

830 4. The superintendent or institute director of a state  
831 mental health institute established for training and research in  
832 the mental health field or the warden or director of any major  
833 state institution or facility established for corrections,  
834 training, treatment, or rehabilitation.

835 5. Business managers, purchasing agents having the power to  
836 make any purchase exceeding the threshold amount provided for in  
837 s. 287.017 for CATEGORY ONE, finance and accounting directors,  
838 personnel officers, or grants coordinators for any state agency.

839 6. Any person, other than a legislative assistant exempted  
840 by the presiding officer of the house by which the legislative  
841 assistant is employed, who is employed in the legislative branch

20132er

842 of government, except persons employed in maintenance, clerical,  
843 secretarial, or similar positions.

844 7. Each employee of the Commission on Ethics.

845 (2) (a) A person seeking nomination or election to a state  
846 or local elective office shall file a statement of financial  
847 interests together with, and at the same time he or she files,  
848 qualifying papers. When a candidate has qualified for office  
849 prior to the deadline to file an annual statement of financial  
850 interests, the statement of financial interests that is filed  
851 with the candidate's qualifying papers shall be deemed to  
852 satisfy the annual disclosure requirement of this section. The  
853 qualifying officer must record that the statement of financial  
854 interests was timely filed. However, if a candidate does not  
855 qualify until after the annual statement of financial interests  
856 has been filed, the candidate may file a copy of his or her  
857 statement with the qualifying officer.

858 (3) The statement of financial interests for state  
859 officers, specified state employees, local officers, and persons  
860 seeking to qualify as candidates for state or local office shall  
861 be filed even if the reporting person holds no financial  
862 interests requiring disclosure, in which case the statement  
863 shall be marked "not applicable." Otherwise, the statement of  
864 financial interests shall include, at the filer's option,  
865 either:

866 (a)1. All sources of income in excess of 5 percent of the  
867 gross income received during the disclosure period by the person  
868 in his or her own name or by any other person for his or her use  
869 or benefit, excluding public salary. However, this shall not be  
870 construed to require disclosure of a business partner's sources

20132er

871 of income. The person reporting shall list such sources in  
872 descending order of value with the largest source first;

873       2. All sources of income to a business entity in excess of  
874 10 percent of the gross income of a business entity in which the  
875 reporting person held a material interest and from which he or  
876 she received an amount which was in excess of 10 percent of his  
877 or her gross income during the disclosure period and which  
878 exceeds \$1,500. The period for computing the gross income of the  
879 business entity is the fiscal year of the business entity which  
880 ended on, or immediately prior to, the end of the disclosure  
881 period of the person reporting;

882       3. The location or description of real property in this  
883 state, except for residences and vacation homes, owned directly  
884 or indirectly by the person reporting, when such person owns in  
885 excess of 5 percent of the value of such real property, and a  
886 general description of any intangible personal property worth in  
887 excess of 10 percent of such person's total assets. For the  
888 purposes of this paragraph, indirect ownership does not include  
889 ownership by a spouse or minor child; and

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

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

899       2. All sources of income to a business entity in excess of

20132er

900 10 percent of the gross income of a business entity in which the  
901 reporting person held a material interest and from which he or  
902 she received gross income exceeding \$5,000 during the disclosure  
903 period. The period for computing the gross income of the  
904 business entity is the fiscal year of the business entity which  
905 ended on, or immediately prior to, the end of the disclosure  
906 period of the person reporting;

907 3. The location or description of real property in this  
908 state, except for residence and vacation homes, owned directly  
909 or indirectly by the person reporting, when such person owns in  
910 excess of 5 percent of the value of such real property, and a  
911 general description of any intangible personal property worth in  
912 excess of \$10,000. For the purpose of this paragraph, indirect  
913 ownership does not include ownership by a spouse or minor child;  
914 and

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

916  
917 A person filing a statement of financial interests shall  
918 indicate on the statement whether he or she is using the method  
919 specified in paragraph (a) or paragraph (b) of this subsection.

920 (9) (a) The commission shall treat an amended statement of  
921 financial interests that is filed prior to September 1 of the  
922 current year as the original filing, regardless of whether a  
923 complaint has been filed. If a complaint pertaining to the  
924 current year alleges a failure to properly and accurately  
925 disclose any information required by this section or if a  
926 complaint filed pertaining to a previous reporting period within  
927 the preceding 5 years alleges a failure to properly and  
928 accurately disclose any information required to be disclosed by



20132er

929 this section, the commission may immediately follow complaint  
930 procedures in s. 112.324. However, if a complaint filed after  
931 August 25 alleges an immaterial, inconsequential, or de minimis  
932 error or omission, the commission may not take any action on the  
933 complaint, other than notifying the filer of the complaint. The  
934 filer must be given 30 days to file an amended statement of  
935 financial interests correcting any errors. If the filer does not  
936 file an amended statement of financial interests within 30 days  
937 after the commission sends notice of the complaint, the  
938 commission may continue with proceedings pursuant to s. 112.324.

939 (b) For purposes of the final statement of financial  
940 interests, the commission shall treat a new final statement of  
941 financial interests, as the original filing, if filed within 60  
942 days of the original filing regardless of whether a complaint  
943 has been filed. If, more than 60 days after a final statement of  
944 financial interests is filed, a complaint is filed alleging a  
945 complete omission of any information required to be disclosed by  
946 this section, the commission may immediately follow the  
947 complaint procedures in s. 112.324. However, if the complaint  
948 alleges an immaterial, inconsequential, or de minimis error or  
949 omission, the commission may not take any action on the  
950 complaint other than notifying the filer of the complaint. The  
951 filer must be given 30 days to file a new final statement of  
952 financial interests correcting any errors. If the filer does not  
953 file a new final statement of financial interests within 30 days  
954 after the commission sends notice of the complaint, the  
955 commission may continue with proceedings pursuant to s. 112.324.

956 (c) For purposes of this section, an error or omission is  
957 immaterial, inconsequential, or de minimis if the original

20132er

958 filing provided sufficient information for the public to  
959 identify potential conflicts of interest.

960 (10) (a) An individual required to file a disclosure  
961 pursuant to this section may have the disclosure prepared by an  
962 attorney in good standing with The Florida Bar or by a certified  
963 public accountant licensed under chapter 473. After preparing a  
964 disclosure form, the attorney or certified public accountant  
965 must sign the form indicating that he or she prepared the form  
966 in accordance with this section and the instructions for  
967 completing and filing the disclosure forms and that, upon his or  
968 her reasonable knowledge and belief, the disclosure is true and  
969 correct. If a complaint is filed alleging a failure to disclose  
970 information required by this section, the commission shall  
971 determine whether the information was disclosed to the attorney  
972 or certified public accountant. The failure of the attorney or  
973 certified public accountant to accurately transcribe information  
974 provided by the individual who is required to file the  
975 disclosure does not constitute a violation of this section.

976 (b) An elected officer or candidate who chooses to use an  
977 attorney or a certified public accountant to prepare his or her  
978 disclosure may pay for the services of the attorney or certified  
979 public accountant from funds in an office account created  
980 pursuant to s. 106.141 or, during a year that the individual  
981 qualifies for election to public office, the candidate's  
982 campaign depository pursuant to s. 106.021.

983 Section 10. Section 112.31455, Florida Statutes, is created  
984 to read:

985 112.31455 Collection methods for unpaid automatic fines for  
986 failure to timely file disclosure of financial interests.-

20132er

987       (1) Before referring any unpaid fine accrued pursuant to s.  
988 112.3144(5) or s. 112.3145(6) to the Department of Financial  
989 Services, the commission shall attempt to determine whether the  
990 individual owing such a fine is a current public officer or  
991 current public employee. If so, the commission may notify the  
992 Chief Financial Officer or the governing body of the appropriate  
993 county, municipality, or special district of the total amount of  
994 any fine owed to the commission by such individual.

995       (a) After receipt and verification of the notice from the  
996 commission, the Chief Financial Officer or the governing body of  
997 the county, municipality, or special district shall begin  
998 withholding the lesser of 10 percent or the maximum amount  
999 allowed under federal law from any salary-related payment. The  
1000 withheld payments shall be remitted to the commission until the  
1001 fine is satisfied.

1002       (b) The Chief Financial Officer or the governing body of  
1003 the county, municipality, or special district may retain an  
1004 amount of each withheld payment, as provided in s. 77.0305, to  
1005 cover the administrative costs incurred under this section.

1006       (2) If the commission determines that the individual who is  
1007 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)  
1008 or s. 112.3145(6) is no longer a public officer or public  
1009 employee or if the commission is unable to determine whether the  
1010 individual is a current public officer or public employee, the  
1011 commission may, 6 months after the order becomes final, seek  
1012 garnishment of any wages to satisfy the amount of the fine, or  
1013 any unpaid portion thereof, pursuant to chapter 77. Upon  
1014 recording the order imposing the fine with the clerk of the  
1015 circuit court, the order shall be deemed a judgment for purposes

20132er

1016 of garnishment pursuant to chapter 77.

1017 (3) The commission may refer unpaid fines to the  
1018 appropriate collection agency, as directed by the Chief  
1019 Financial Officer, to utilize any collection methods provided by  
1020 law. Except as expressly limited by this section, any other  
1021 collection methods authorized by law are allowed.

1022 (4) Action may be taken to collect any unpaid fine imposed  
1023 by ss. 112.3144 and 112.3145 within 20 years after the date the  
1024 final order is rendered.

1025 Section 11. Section 112.3147, Florida Statutes, is amended  
1026 to read:

1027 112.3147 Forms.—Except as otherwise provided, all  
1028 information required to be furnished by ss. 112.313, 112.3143,  
1029 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II  
1030 of the State Constitution shall be on forms prescribed by the  
1031 Commission on Ethics.

1032 Section 12. Paragraph (e) of subsection (2) of section  
1033 112.3148, Florida Statutes, is amended and paragraph (f) is  
1034 added to that subsection, and subsections (3) through (5) of  
1035 that section are amended, to read:

1036 112.3148 Reporting and prohibited receipt of gifts by  
1037 individuals filing full or limited public disclosure of  
1038 financial interests and by procurement employees.—

1039 (2) As used in this section:

1040 (e) "Procurement employee" means any employee of an  
1041 officer, department, board, commission, ~~or~~ council, or agency of  
1042 the executive branch or judicial branch of state government who  
1043 has participated in the preceding 12 months ~~participates~~ through  
1044 decision, approval, disapproval, recommendation, preparation of

20132er

1045 any part of a purchase request, influencing the content of any  
1046 specification or procurement standard, rendering of advice,  
1047 investigation, or auditing or in any other advisory capacity in  
1048 the procurement of contractual services or commodities as  
1049 defined in s. 287.012, if the cost of such services or  
1050 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in  
1051 any fiscal year.

1052 (f) "Vendor" means a business entity doing business  
1053 directly with an agency, such as renting, leasing, or selling  
1054 any realty, goods, or services.

1055 (3) A reporting individual or procurement employee is  
1056 prohibited from soliciting any gift from a vendor doing business  
1057 with the reporting individual's or procurement employee's  
1058 agency, a political committee ~~or committee of continuous~~  
1059 ~~existence,~~ as defined in s. 106.011, or ~~from~~ a lobbyist who  
1060 lobbies the reporting individual's or procurement employee's  
1061 agency, or the partner, firm, employer, or principal of such  
1062 lobbyist, where such gift is for the personal benefit of the  
1063 reporting individual or procurement employee, another reporting  
1064 individual or procurement employee, or any member of the  
1065 immediate family of a reporting individual or procurement  
1066 employee.

1067 (4) A reporting individual or procurement employee or any  
1068 other person on his or her behalf is prohibited from knowingly  
1069 accepting, directly or indirectly, a gift from a vendor doing  
1070 business with the reporting individual's or procurement  
1071 employee's agency, a political committee ~~or committee of~~  
1072 ~~continuous existence,~~ as defined in s. 106.011, or ~~from~~ a  
1073 lobbyist who lobbies the reporting individual's or procurement

20132er

1074 employee's agency, or directly or indirectly on behalf of the  
1075 partner, firm, employer, or principal of a lobbyist, if he or  
1076 she knows or reasonably believes that the gift has a value in  
1077 excess of \$100; however, such a gift may be accepted by such  
1078 person on behalf of a governmental entity or a charitable  
1079 organization. If the gift is accepted on behalf of a  
1080 governmental entity or charitable organization, the person  
1081 receiving the gift shall not maintain custody of the gift for  
1082 any period of time beyond that reasonably necessary to arrange  
1083 for the transfer of custody and ownership of the gift.

1084 (5) (a) A vendor doing business with the reporting  
1085 individual's or procurement employee's agency; a political  
1086 ~~committee or a committee of continuous existence,~~ as defined in  
1087 s. 106.011; a lobbyist who lobbies a reporting individual's or  
1088 procurement employee's agency; the partner, firm, employer, or  
1089 principal of a lobbyist; or another on behalf of the lobbyist or  
1090 partner, firm, principal, or employer of the lobbyist is  
1091 prohibited from giving, either directly or indirectly, a gift  
1092 that has a value in excess of \$100 to the reporting individual  
1093 or procurement employee or any other person on his or her  
1094 behalf; however, such person may give a gift having a value in  
1095 excess of \$100 to a reporting individual or procurement employee  
1096 if the gift is intended to be transferred to a governmental  
1097 entity or a charitable organization.

1098 (b) However, a person who is regulated by this subsection,  
1099 who is not regulated by subsection (6), and who makes, or  
1100 directs another to make, an individual gift having a value in  
1101 excess of \$25, but not in excess of \$100, other than a gift that  
1102 the donor knows will be accepted on behalf of a governmental

20132er

1103 entity or charitable organization, must file a report on the  
1104 last day of each calendar quarter for the previous calendar  
1105 quarter in which a reportable gift is made. The report shall be  
1106 filed with the Commission on Ethics, except with respect to  
1107 gifts to reporting individuals of the legislative branch, in  
1108 which case the report shall be filed with the Office of  
1109 Legislative Services. The report must contain a description of  
1110 each gift, the monetary value thereof, the name and address of  
1111 the person making such gift, the name and address of the  
1112 recipient of the gift, and the date such gift is given. In  
1113 addition, if a gift is made which requires the filing of a  
1114 report under this subsection, the donor must notify the intended  
1115 recipient at the time the gift is made that the donor, or  
1116 another on his or her behalf, will report the gift under this  
1117 subsection. Under this paragraph, a gift need not be reported by  
1118 more than one person or entity.

1119 Section 13. Section 112.31485, Florida Statutes, is created  
1120 to read:

1121 112.31485 Prohibition on gifts involving political  
1122 committees.—

1123 (1) (a) For purposes of this section, the term "gift" means  
1124 any purchase, payment, distribution, loan, advance, transfer of  
1125 funds, or disbursement of money or anything of value that is not  
1126 primarily related to contributions, expenditures, or other  
1127 political activities authorized pursuant to chapter 106.

1128 (b) For purposes of this section, the term "immediate  
1129 family" means any parent, spouse, child, or sibling.

1130 (2) (a) A reporting individual or procurement employee or a  
1131 member of his or her immediate family is prohibited from

20132er

1132 soliciting or knowingly accepting, directly or indirectly, any  
1133 gift from a political committee.

1134 (b) A political committee is prohibited from giving,  
1135 directly or indirectly, any gift to a reporting individual or  
1136 procurement employee or a member of his or her immediate family.

1137 (3) Any person who violates this section is subject to a  
1138 civil penalty equal to three times the amount of the gift. Such  
1139 penalty is in addition to the penalties provided in s. 112.317  
1140 and shall be paid to the General Revenue Fund of the state. A  
1141 reporting individual or procurement employee or a member of his  
1142 or her immediate family who violates this section is personally  
1143 liable for payment of the treble penalty. Any agent or person  
1144 acting on behalf of a political committee who gives a prohibited  
1145 gift is personally liable for payment of the treble penalty.

1146 Section 14. Paragraph (e) of subsection (1) of section  
1147 112.3149, Florida Statutes, is amended, and paragraph (f) is  
1148 added to that subsection, and subsections (3) and (4) of that  
1149 section are amended, to read:

1150 112.3149 Solicitation and disclosure of honoraria.—

1151 (1) As used in this section:

1152 (e) "Procurement employee" means any employee of an  
1153 officer, department, board, commission, ~~or~~ council, or agency of  
1154 the executive branch or judicial branch of state government who  
1155 has participated in the preceding 12 months ~~participates~~ through  
1156 decision, approval, disapproval, recommendation, preparation of  
1157 any part of a purchase request, influencing the content of any  
1158 specification or procurement standard, rendering of advice,  
1159 investigation, or auditing or in any other advisory capacity in  
1160 the procurement of contractual services or commodities as



20132er

1161 defined in s. 287.012, if the cost of such services or  
1162 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1163 (f) "Vendor" means a business entity doing business  
1164 directly with an agency, such as renting, leasing, or selling  
1165 any realty, goods, or services.

1166 (3) A reporting individual or procurement employee is  
1167 prohibited from knowingly accepting an honorarium from a  
1168 political committee ~~or committee of continuous existence~~, as  
1169 defined in s. 106.011, from a vendor doing business with the  
1170 reporting individual's or procurement employee's agency, from a  
1171 lobbyist who lobbies the reporting individual's or procurement  
1172 employee's agency, or from the employer, principal, partner, or  
1173 firm of such a lobbyist.

1174 (4) A political committee ~~or committee of continuous~~  
1175 ~~existence~~, as defined in s. 106.011, a vendor doing business  
1176 with the reporting individual's or procurement employee's  
1177 agency, a lobbyist who lobbies a reporting individual's or  
1178 procurement employee's agency, or the employer, principal,  
1179 partner, or firm of such a lobbyist is prohibited from giving an  
1180 honorarium to a reporting individual or procurement employee.

1181 Section 15. Section 112.317, Florida Statutes, is amended  
1182 to read:

1183 112.317 Penalties.—

1184 (1) Any violation of ~~any provision of~~ this part, including,  
1185 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required  
1186 by this part or violation of any standard of conduct imposed by  
1187 this part, or any violation of ~~any provision of~~ s. 8, Art. II of  
1188 the State Constitution, in addition to any criminal penalty or  
1189 other civil penalty involved, ~~shall~~, under applicable

20132er

1190 constitutional and statutory procedures, constitutes ~~constitute~~  
1191 grounds for, and may be punished by, one or more of the  
1192 following:

1193 (a) In the case of a public officer:

1194 1. Impeachment.

1195 2. Removal from office.

1196 3. Suspension from office.

1197 4. Public censure and reprimand.

1198 5. Forfeiture of no more than one-third of his or her  
1199 salary per month for no more than 12 months.

1200 6. A civil penalty not to exceed \$10,000.

1201 7. Restitution of any pecuniary benefits received because  
1202 of the violation committed. The commission may recommend that  
1203 the restitution penalty be paid to the agency of which the  
1204 public officer was a member or to the General Revenue Fund.

1205 (b) In the case of an employee or a person designated as a  
1206 public officer by this part who otherwise would be deemed to be  
1207 an employee:

1208 1. Dismissal from employment.

1209 2. Suspension from employment for not more than 90 days  
1210 without pay.

1211 3. Demotion.

1212 4. Reduction in his or her salary level.

1213 5. Forfeiture of no more than one-third salary per month  
1214 for no more than 12 months.

1215 6. A civil penalty not to exceed \$10,000.

1216 7. Restitution of any pecuniary benefits received because  
1217 of the violation committed. The commission may recommend that  
1218 the restitution penalty be paid to the agency by which the

20132er

1219 public employee was employed, or of which the officer was deemed  
1220 to be an employee, or to the General Revenue Fund.

1221 8. Public censure and reprimand.

1222 (c) In the case of a candidate who violates ~~the provisions~~  
1223 ~~of~~ this part or s. 8(a) and (i), Art. II of the State  
1224 Constitution:

1225 1. Disqualification from being on the ballot.

1226 2. Public censure.

1227 3. Reprimand.

1228 4. A civil penalty not to exceed \$10,000.

1229 (d) In the case of a former public officer or employee who  
1230 has violated a provision applicable to former officers or  
1231 employees or whose violation occurred before the officer's or  
1232 employee's leaving public office or employment:

1233 1. Public censure and reprimand.

1234 2. A civil penalty not to exceed \$10,000.

1235 3. Restitution of any pecuniary benefits received because  
1236 of the violation committed. The commission may recommend that  
1237 the restitution penalty be paid to the agency of the public  
1238 officer or employee or to the General Revenue Fund.

1239 (e) In the case of a person who is subject to the standards  
1240 of this part, other than a lobbyist or lobbying firm under s.  
1241 112.3215 for a violation of s. 112.3215, but who is not a public  
1242 officer or employee:

1243 1. Public censure and reprimand.

1244 2. A civil penalty not to exceed \$10,000.

1245 3. Restitution of any pecuniary benefits received because  
1246 of the violation committed. The commission may recommend that  
1247 the restitution penalty be paid to the agency of the person or

20132er

1248 to the General Revenue Fund.

1249 (2) In any case in which the commission finds a violation  
1250 of this part or of s. 8, Art. II of the State Constitution and  
1251 the proper disciplinary official or body under s. 112.324  
1252 imposes a civil penalty or restitution penalty, the Attorney  
1253 General shall bring a civil action to recover such penalty. No  
1254 defense may be raised in the civil action to enforce the civil  
1255 penalty or order of restitution that could have been raised by  
1256 judicial review of the administrative findings and  
1257 recommendations of the commission by certiorari to the district  
1258 court of appeal. The Attorney General shall collect any costs,  
1259 attorney's fees, expert witness fees, or other costs of  
1260 collection incurred in bringing the action.

1261 (3) The penalties prescribed in this part shall not be  
1262 construed to limit or to conflict with:

1263 (a) The power of either house of the Legislature to  
1264 discipline its own members or impeach a public officer.

1265 (b) The power of agencies to discipline officers or  
1266 employees.

1267 (4) Any violation of this part or of s. 8, Art. II of the  
1268 State Constitution by a public officer constitutes ~~shall~~  
1269 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in  
1270 office within the meaning of s. 7, Art. IV of the State  
1271 Constitution.

1272 (5) By order of the Governor, upon recommendation of the  
1273 commission, any elected municipal officer who violates ~~any~~  
1274 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State  
1275 Constitution may be suspended from office and the office filled  
1276 by appointment for the period of suspension. The suspended

20132er

1277 officer may at any time before removal be reinstated by the  
1278 Governor. The Senate may, in proceedings prescribed by law,  
1279 remove from office, or reinstate, the suspended official, and  
1280 for such purpose the Senate may be convened in special session  
1281 by its President or by a majority of its membership.

1282 (6) In any case in which the commission finds probable  
1283 cause to believe that a complainant has committed perjury in  
1284 regard to any document filed with, or any testimony given  
1285 before, the commission, it shall refer such evidence to the  
1286 appropriate law enforcement agency for prosecution and taxation  
1287 of costs.

1288 (7) In any case in which the commission determines that a  
1289 person has filed a complaint against a public officer or  
1290 employee with a malicious intent to injure the reputation of  
1291 such officer or employee by filing the complaint with knowledge  
1292 that the complaint contains one or more false allegations or  
1293 with reckless disregard for whether the complaint contains false  
1294 allegations of fact material to a violation of this part, the  
1295 complainant shall be liable for costs plus reasonable attorney  
1296 ~~attorney's~~ fees incurred in the defense of the person complained  
1297 against, including the costs and reasonable attorney ~~attorney's~~  
1298 fees incurred in proving entitlement to and the amount of costs  
1299 and fees. If the complainant fails to pay such costs and fees  
1300 voluntarily within 30 days following such finding by the  
1301 commission, the commission shall forward such information to the  
1302 Department of Legal Affairs, which shall bring a civil action in  
1303 a court of competent jurisdiction to recover the amount of such  
1304 costs and fees awarded by the commission.

1305 Section 16. Paragraphs (a) and (c) of subsection (8) and

20132er

1306 subsection (10) of section 112.3215, Florida Statutes, are  
1307 amended, present subsections (11) through (14) are renumbered as  
1308 (12) through (15), respectively, and a new subsection (11) is  
1309 added to that section to read:

1310 112.3215 Lobbying before the executive branch or the  
1311 Constitution Revision Commission; registration and reporting;  
1312 investigation by commission.—

1313 (8) (a) The commission shall investigate every sworn  
1314 complaint that is filed with it alleging that a person covered  
1315 by this section has failed to register, has failed to submit a  
1316 compensation report, has made a prohibited expenditure, or has  
1317 knowingly submitted false information in any report or  
1318 registration required in this section.

1319 (c) The commission shall investigate any lobbying firm,  
1320 lobbyist, principal, agency, officer, or employee upon receipt  
1321 of information from a sworn complaint or from a random audit of  
1322 lobbying reports indicating a possible violation other than a  
1323 late-filed report.

1324 (10) If the Governor and Cabinet finds that a violation  
1325 occurred, it may reprimand the violator, censure the violator,  
1326 or prohibit the violator from lobbying all agencies for a period  
1327 not to exceed 2 years. If the violator is a lobbying firm,  
1328 lobbyist, or principal, the Governor and Cabinet may also assess  
1329 a fine of not more than \$5,000 to be deposited in the Executive  
1330 Branch Lobby Registration Trust Fund.

1331 (11) Any person who is required to be registered or to  
1332 provide information under this section or under rules adopted  
1333 pursuant to this section and who knowingly fails to disclose any  
1334 material fact that is required by this section or by rules

20132er

1335 adopted pursuant to this section, or who knowingly provides  
1336 false information on any report required by this section or by  
1337 rules adopted pursuant to this section, commits a noncriminal  
1338 infraction, punishable by a fine not to exceed \$5,000. Such  
1339 penalty is in addition to any other penalty assessed by the  
1340 Governor and Cabinet pursuant to subsection (10).

1341 Section 17. Section 112.324, Florida Statutes, is amended  
1342 to read:

1343 112.324 Procedures on complaints of violations and  
1344 referrals; public records and meeting exemptions.-

1345 (1) ~~Upon a written complaint executed on a form prescribed~~  
1346 ~~by the commission and signed under oath or affirmation by any~~  
1347 ~~person,~~ The commission shall investigate an ~~any~~ alleged  
1348 violation of this part or ~~any~~ other alleged breach of the public  
1349 trust within the jurisdiction of the commission as provided in  
1350 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~  
1351 ~~procedures set forth herein.~~

1352 (a) Upon a written complaint executed on a form prescribed  
1353 by the commission and signed under oath of affirmation by any  
1354 person; or

1355 (b) Upon receipt of a written referral of a possible  
1356 violation of this part or other possible breach of the public  
1357 trust from the Governor, the Department of Law Enforcement, a  
1358 state attorney, or a United States Attorney which at least six  
1359 members of the commission determine is sufficient to indicate a  
1360 violation of this part or any other breach of the public trust.

1361  
1362 Within 5 days after receipt of a complaint by the commission or  
1363 a determination by at least six members of the commission that

20132er

1364 the referral received is deemed sufficient, a copy shall be  
1365 transmitted to the alleged violator.

1366 (2) (a) The complaint and records relating to the complaint  
1367 or to any preliminary investigation held by the commission or  
1368 its agents, by a Commission on Ethics and Public Trust  
1369 established by any county defined in s. 125.011(1) or by any  
1370 municipality defined in s. 165.031, or by any county or  
1371 municipality that has established a local investigatory process  
1372 to enforce more stringent standards of conduct and disclosure  
1373 requirements as provided in s. 112.326 are confidential and  
1374 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
1375 of the State Constitution.

1376 (b) Any proceeding conducted by the commission, a  
1377 Commission on Ethics and Public Trust, or a county or  
1378 municipality that has established such local investigatory  
1379 process, pursuant to a complaint or preliminary investigation,  
1380 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
1381 the State Constitution, and s. 120.525.

1382 (c) The exemptions in paragraphs (a) and (b) apply until  
1383 the complaint is dismissed as legally insufficient, until the  
1384 alleged violator requests in writing that such records and  
1385 proceedings be made public, or until the commission, a  
1386 Commission on Ethics and Public Trust, or a county or  
1387 municipality that has established such local investigatory  
1388 process determines, based on such investigation, whether  
1389 probable cause exists to believe that a violation has occurred.  
1390 ~~In no event shall~~ A complaint or referral under this part  
1391 against a candidate in any general, special, or primary election  
1392 may not be filed nor may ~~or~~ any intention of filing such a



20132er

1393 complaint or referral be disclosed on the day of any such  
1394 election or within the 30 ~~5~~ days immediately preceding the date  
1395 of the election, unless the complaint or referral is based upon  
1396 personal information or information other than hearsay.

1397 (d) This subsection is subject to the Open Government  
1398 Sunset Review Act in accordance with s. 119.15 and shall stand  
1399 repealed on October 2, 2015, unless reviewed and saved from  
1400 repeal through reenactment by the Legislature.

1401 (3) A preliminary investigation shall be undertaken by the  
1402 commission of each legally sufficient complaint or referral over  
1403 which the commission has jurisdiction to determine whether there  
1404 is probable cause to believe that a violation has occurred. If,  
1405 upon completion of the preliminary investigation, the commission  
1406 finds no probable cause to believe that this part has been  
1407 violated or that any other breach of the public trust has been  
1408 committed, the commission shall dismiss the complaint or  
1409 referral with the issuance of a public report to the complainant  
1410 and the alleged violator, stating with particularity its reasons  
1411 for dismissal ~~of the complaint~~. At that time, the complaint or  
1412 referral and all materials relating to the complaint or referral  
1413 shall become a matter of public record. If the commission finds  
1414 from the preliminary investigation probable cause to believe  
1415 that this part has been violated or that any other breach of the  
1416 public trust has been committed, it shall so notify the  
1417 complainant and the alleged violator in writing. Such  
1418 notification and all documents made or received in the  
1419 disposition of the complaint or referral shall then become  
1420 public records. Upon request submitted to the commission in  
1421 writing, any person who the commission finds probable cause to

20132er

1422 believe has violated any provision of this part or has committed  
1423 any other breach of the public trust shall be entitled to a  
1424 public hearing. Such person shall be deemed to have waived the  
1425 right to a public hearing if the request is not received within  
1426 14 days following the mailing of the probable cause notification  
1427 required by this subsection. However, the commission may on its  
1428 own motion, require a public hearing, may conduct such further  
1429 investigation as it deems necessary, and may enter into such  
1430 stipulations and settlements as it finds to be just and in the  
1431 best interest of the state. The commission is without  
1432 jurisdiction to, and no respondent may voluntarily or  
1433 involuntarily, enter into a stipulation or settlement which  
1434 imposes any penalty, including, but not limited to, a sanction  
1435 or admonition or any other penalty contained in s. 112.317.  
1436 Penalties shall be imposed only by the appropriate disciplinary  
1437 authority as designated in this section.

1438 (4) If, in cases pertaining to members of the Legislature,  
1439 upon completion of a full and final investigation by the  
1440 commission, the commission finds that there has been a violation  
1441 of this part or of any provision of s. 8, Art. II of the State  
1442 Constitution, the commission shall forward a copy of the  
1443 complaint or referral and its findings by certified mail to the  
1444 President of the Senate or the Speaker of the House of  
1445 Representatives, whichever is applicable, who shall refer the  
1446 complaint or referral to the appropriate committee for  
1447 investigation and action which shall be governed by the rules of  
1448 its respective house. It is ~~shall be~~ the duty of the committee  
1449 to report its final action upon the matter ~~complaint~~ to the  
1450 commission within 90 days of the date of transmittal to the

20132er

1451 respective house. Upon request of the committee, the commission  
1452 shall submit a recommendation as to what penalty, if any, should  
1453 be imposed. In the case of a member of the Legislature, the  
1454 house in which the member serves has ~~shall have~~ the power to  
1455 invoke the penalty provisions of this part.

1456 (5) If, in cases ~~pertaining to complaints~~ against  
1457 impeachable officers, upon completion of a full and final  
1458 investigation by the commission, the commission finds that there  
1459 has been a violation of this part or of any provision of s. 8,  
1460 Art. II of the State Constitution, and the commission finds that  
1461 the violation may constitute grounds for impeachment, the  
1462 commission shall forward a copy of the complaint or referral and  
1463 its findings by certified mail to the Speaker of the House of  
1464 Representatives, who shall refer the complaint or referral to  
1465 the appropriate committee for investigation and action which  
1466 shall be governed by the rules of the House of Representatives.  
1467 It is ~~shall be~~ the duty of the committee to report its final  
1468 action upon the matter ~~complaint~~ to the commission within 90  
1469 days of the date of transmittal.

1470 (6) If the commission finds that there has been a violation  
1471 of this part or of any provision of s. 8, Art. II of the State  
1472 Constitution by an impeachable officer other than the Governor,  
1473 and the commission recommends public censure and reprimand,  
1474 forfeiture of a portion of the officer's salary, a civil  
1475 penalty, or restitution, the commission shall report its  
1476 findings and recommendation of disciplinary action to the  
1477 Governor, who has ~~shall have~~ the power to invoke the penalty  
1478 provisions of this part.

1479 (7) If the commission finds that there has been a violation

20132er

1480 of this part or of any provision of s. 8, Art. II of the State  
1481 Constitution by the Governor, and the commission recommends  
1482 public censure and reprimand, forfeiture of a portion of the  
1483 Governor's salary, a civil penalty, or restitution, the  
1484 commission shall report its findings and recommendation of  
1485 disciplinary action to the Attorney General, who shall have the  
1486 power to invoke the penalty provisions of this part.

1487 (8) If, in cases ~~pertaining to complaints~~ other than  
1488 complaints or referrals against impeachable officers or members  
1489 of the Legislature, upon completion of a full and final  
1490 investigation by the commission, the commission finds that there  
1491 has been a violation of this part or of s. 8, Art. II of the  
1492 State Constitution, it is ~~shall be~~ the duty of the commission to  
1493 report its findings and recommend appropriate action to the  
1494 proper disciplinary official or body as follows, and such  
1495 official or body has ~~shall have~~ the power to invoke the penalty  
1496 provisions of this part, including the power to order the  
1497 appropriate elections official to remove a candidate from the  
1498 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.  
1499 II of the State Constitution:

1500 (a) The President of the Senate and the Speaker of the  
1501 House of Representatives, jointly, in any case concerning the  
1502 Public Counsel, members of the Public Service Commission,  
1503 members of the Public Service Commission Nominating Council, the  
1504 Auditor General, or the director of the Office of Program Policy  
1505 Analysis and Government Accountability.

1506 (b) The Supreme Court, in any case concerning an employee  
1507 of the judicial branch.

1508 (c) The President of the Senate, in any case concerning an

20132er

1509 employee of the Senate; the Speaker of the House of  
1510 Representatives, in any case concerning an employee of the House  
1511 of Representatives; or the President and the Speaker, jointly,  
1512 in any case concerning an employee of a committee of the  
1513 Legislature whose members are appointed solely by the President  
1514 and the Speaker or in any case concerning an employee of the  
1515 Public Counsel, Public Service Commission, Auditor General, or  
1516 Office of Program Policy Analysis and Government Accountability.

1517 (d) Except as otherwise provided by this part, the  
1518 Governor, in the case of any other public officer, public  
1519 employee, former public officer or public employee, candidate or  
1520 former candidate, or person who is not a public officer or  
1521 employee, other than lobbyists and lobbying firms under s.  
1522 112.3215 for violations of s. 112.3215.

1523 (e) The President of the Senate or the Speaker of the House  
1524 of Representatives, whichever is applicable, in any case  
1525 concerning a former member of the Legislature who has violated a  
1526 provision applicable to former members or whose violation  
1527 occurred while a member of the Legislature.

1528 (9) In addition to reporting its findings to the proper  
1529 disciplinary body or official, the commission shall report these  
1530 findings to the state attorney or any other appropriate official  
1531 or agency having authority to initiate prosecution when  
1532 violation of criminal law is indicated.

1533 (10) Notwithstanding the foregoing procedures of this  
1534 section, a sworn complaint against any member or employee of the  
1535 Commission on Ethics for violation of this part or of s. 8, Art.  
1536 II of the State Constitution shall be filed with the President  
1537 of the Senate and the Speaker of the House of Representatives.

20132er

1538 Each presiding officer shall, after determining that there are  
1539 sufficient grounds for review, appoint three members of their  
1540 respective bodies to a special joint committee who shall  
1541 investigate the complaint. The members shall elect a chair from  
1542 among their number. If the special joint committee finds  
1543 insufficient evidence to establish probable cause to believe a  
1544 violation of this part or of s. 8, Art. II of the State  
1545 Constitution has occurred, it shall dismiss the complaint. If,  
1546 upon completion of its preliminary investigation, the committee  
1547 finds sufficient evidence to establish probable cause to believe  
1548 a violation has occurred, the chair thereof shall transmit such  
1549 findings to the Governor who shall convene a meeting of the  
1550 Governor, the President of the Senate, the Speaker of the House  
1551 of Representatives, and the Chief Justice of the Supreme Court  
1552 to take such final action on the complaint as they shall deem  
1553 appropriate, consistent with the penalty provisions of this  
1554 part. Upon request of a majority of the Governor, the President  
1555 of the Senate, the Speaker of the House of Representatives, and  
1556 the Chief Justice of the Supreme Court, the special joint  
1557 committee shall submit a recommendation as to what penalty, if  
1558 any, should be imposed.

1559 (11) (a) Notwithstanding subsections (1)-(8), the commission  
1560 may dismiss any complaint or referral at any stage of  
1561 disposition if it determines that the violation that is alleged  
1562 or has occurred is a de minimis violation attributable to  
1563 inadvertent or unintentional error. In determining whether a  
1564 violation was de minimis, the commission shall consider whether  
1565 the interests of the public were protected despite the  
1566 violation. This subsection does not apply to complaints or

20132er

1567 referrals pursuant to ss. 112.3144 and 112.3145.

1568 (b) For the purposes of this subsection, a de minimis  
1569 violation is any violation that is unintentional and not  
1570 material in nature.

1571 (12)~~(11)~~ Notwithstanding the provisions of subsections (1)-  
1572 (8), the commission may, at its discretion, dismiss any  
1573 complaint or referral at any stage of disposition should it  
1574 determine that the public interest would not be served by  
1575 proceeding further, in which case the commission shall issue a  
1576 public report stating with particularity its reasons for the  
1577 dismissal.

1578 Section 18. For the purpose of incorporating the amendment  
1579 made by this act to section 112.3143, Florida Statutes, in a  
1580 reference thereto, subsection (1) of section 120.665, Florida  
1581 Statutes, is reenacted to read:

1582 120.665 Disqualification of agency personnel.—

1583 (1) Notwithstanding the provisions of s. 112.3143, any  
1584 individual serving alone or with others as an agency head may be  
1585 disqualified from serving in an agency proceeding for bias,  
1586 prejudice, or interest when any party to the agency proceeding  
1587 shows just cause by a suggestion filed within a reasonable  
1588 period of time prior to the agency proceeding. If the  
1589 disqualified individual was appointed, the appointing power may  
1590 appoint a substitute to serve in the matter from which the  
1591 individual is disqualified. If the individual is an elected  
1592 official, the Governor may appoint a substitute to serve in the  
1593 matter from which the individual is disqualified. However, if a  
1594 quorum remains after the individual is disqualified, it shall  
1595 not be necessary to appoint a substitute.

20132er

1596 Section 19. For the purpose of incorporating the amendment  
1597 made by this act to section 112.3143, Florida Statutes, in a  
1598 reference thereto, section 286.012, Florida Statutes, is  
1599 reenacted to read:

1600 286.012 Voting requirement at meetings of governmental  
1601 bodies.—No member of any state, county, or municipal  
1602 governmental board, commission, or agency who is present at any  
1603 meeting of any such body at which an official decision, ruling,  
1604 or other official act is to be taken or adopted may abstain from  
1605 voting in regard to any such decision, ruling, or act; and a  
1606 vote shall be recorded or counted for each such member present,  
1607 except when, with respect to any such member, there is, or  
1608 appears to be, a possible conflict of interest under the  
1609 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such  
1610 cases, said member shall comply with the disclosure requirements  
1611 of s. 112.3143.

1612 Section 20. For the purpose of incorporating the amendment  
1613 made by this act to section 112.324, Florida Statutes, in a  
1614 reference thereto, section 287.175, Florida Statutes, is  
1615 reenacted to read:

1616 287.175 Penalties.—A violation of this part or a rule  
1617 adopted hereunder, pursuant to applicable constitutional and  
1618 statutory procedures, constitutes misuse of public position as  
1619 defined in s. 112.313(6), and is punishable as provided in s.  
1620 112.317. The Chief Financial Officer shall report incidents of  
1621 suspected misuse to the Commission on Ethics, and the commission  
1622 shall investigate possible violations of this part or rules  
1623 adopted hereunder when reported by the Chief Financial Officer,  
1624 notwithstanding the provisions of s. 112.324. Any violation of



20132er

1625 this part or a rule adopted hereunder shall be presumed to have  
1626 been committed with wrongful intent, but such presumption is  
1627 rebuttable. Nothing in this section is intended to deny rights  
1628 provided to career service employees by s. 110.227.

1629 Section 21. Paragraph (c) of subsection (1) of section  
1630 288.901, Florida Statutes, is amended to read:

1631 288.901 Enterprise Florida, Inc.—

1632 (1) CREATION.—

1633 (c) The Legislature determines that it is in the public  
1634 interest for the members of Enterprise Florida, Inc., board of  
1635 directors to be subject to the requirements of ss. 112.3135,  
1636 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),  
1637 notwithstanding the fact that the board members are not public  
1638 officers or employees. For purposes of those sections, the board  
1639 members shall be considered to be public officers or employees.  
1640 The exemption set forth in s. 112.313(12) for advisory boards  
1641 applies to the members of Enterprise Florida, Inc., board of  
1642 directors. Further, each member of the board of directors who is  
1643 not otherwise required to file financial disclosures pursuant to  
1644 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
1645 file disclosure of financial interests pursuant to s. 112.3145.

1646 Section 22. Subsection (1) of section 445.007, Florida  
1647 Statutes, is reenacted for the purpose of incorporating the  
1648 amendment made by this act to section 112.3143, Florida  
1649 Statutes, in a reference thereto, and subsection (11) of that  
1650 section is amended, to read:

1651 445.007 Regional workforce boards.—

1652 (1) One regional workforce board shall be appointed in each  
1653 designated service delivery area and shall serve as the local

20132er

1654 workforce investment board pursuant to Pub. L. No. 105-220. The  
1655 membership of the board shall be consistent with Pub. L. No.  
1656 105-220, Title I, s. 117(b) but may not exceed the minimum  
1657 membership required in Pub. L. No. 105-220, Title I, s.  
1658 117(b)(2)(A) and in this subsection. Upon approval by the  
1659 Governor, the chief elected official may appoint additional  
1660 members above the limit set by this subsection. If a public  
1661 education or training provider is represented on the board, a  
1662 representative of a private nonprofit provider and a  
1663 representative of a private for-profit provider must also be  
1664 appointed to the board. The board shall include one nonvoting  
1665 representative from a military installation if a military  
1666 installation is located within the region and the appropriate  
1667 military command or organization authorizes such representation.  
1668 It is the intent of the Legislature that membership of a  
1669 regional workforce board include persons who are current or  
1670 former recipients of welfare transition assistance as defined in  
1671 s. 445.002(2) or workforce services as provided in s. 445.009(1)  
1672 or that such persons be included as ex officio members of the  
1673 board or of committees organized by the board. The importance of  
1674 minority and gender representation shall be considered when  
1675 making appointments to the board. The board, its committees,  
1676 subcommittees, and subdivisions, and other units of the  
1677 workforce system, including units that may consist in whole or  
1678 in part of local governmental units, may use any method of  
1679 telecommunications to conduct meetings, including establishing a  
1680 quorum through telecommunications, provided that the public is  
1681 given proper notice of the telecommunications meeting and  
1682 reasonable access to observe and, when appropriate, participate.

20132er

1683 Regional workforce boards are subject to chapters 119 and 286  
1684 and s. 24, Art. I of the State Constitution. If the regional  
1685 workforce board enters into a contract with an organization or  
1686 individual represented on the board of directors, the contract  
1687 must be approved by a two-thirds vote of the board, a quorum  
1688 having been established, and the board member who could benefit  
1689 financially from the transaction must abstain from voting on the  
1690 contract. A board member must disclose any such conflict in a  
1691 manner that is consistent with the procedures outlined in s.  
1692 112.3143. Each member of a regional workforce board who is not  
1693 otherwise required to file a full and public disclosure of  
1694 financial interests pursuant to s. 8, Art. II of the State  
1695 Constitution or s. 112.3144 shall file a statement of financial  
1696 interests pursuant to s. 112.3145. The executive director or  
1697 designated person responsible for the operational and  
1698 administrative functions of the regional workforce board who is  
1699 not otherwise required to file a full and public disclosure of  
1700 financial interests pursuant to s. 8, Art. II of the State  
1701 Constitution or s. 112.3144 shall file a statement of financial  
1702 interests pursuant to s. 112.3145.

1703 (11) To increase transparency and accountability, a  
1704 regional workforce board must comply with the requirements of  
1705 this section before contracting with a member of the board or a  
1706 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a  
1707 board member or of an employee of the board. Such contracts may  
1708 not be executed before or without the approval of Workforce  
1709 Florida, Inc. Such contracts, as well as documentation  
1710 demonstrating adherence to this section as specified by  
1711 Workforce Florida, Inc., must be submitted to the Department of

20132er

1712 Economic Opportunity for review and recommendation according to  
1713 criteria to be determined by Workforce Florida, Inc. Such a  
1714 contract must be approved by a two-thirds vote of the board, a  
1715 quorum having been established; all conflicts of interest must  
1716 be disclosed before the vote; and any member who may benefit  
1717 from the contract, or whose relative may benefit from the  
1718 contract, must abstain from the vote. A contract under \$25,000  
1719 between a regional workforce board and a member of that board or  
1720 between a relative, as defined in s. 112.3143(1)(c)  
1721 ~~112.3143(1)(b)~~, of a board member or of an employee of the board  
1722 is not required to have the prior approval of Workforce Florida,  
1723 Inc., but must be approved by a two-thirds vote of the board, a  
1724 quorum having been established, and must be reported to the  
1725 Department of Economic Opportunity and Workforce Florida, Inc.,  
1726 within 30 days after approval. If a contract cannot be approved  
1727 by Workforce Florida, Inc., a review of the decision to  
1728 disapprove the contract may be requested by the regional  
1729 workforce board or other parties to the disapproved contract.

1730 Section 23. For the purpose of incorporating the amendment  
1731 made by this act to section 112.3143, Florida Statutes, in a  
1732 reference thereto, paragraph (m) of subsection (5) of section  
1733 627.311, Florida Statutes, is reenacted to read:

1734 627.311 Joint underwriters and joint reinsurers; public  
1735 records and public meetings exemptions.—

1736 (5)

1737 (m) Senior managers and officers, as defined in the plan of  
1738 operation, and members of the board of governors are subject to  
1739 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
1740 112.316, and 112.317. Senior managers, officers, and board

20132er

1741 members are also required to file such disclosures with the  
1742 Commission on Ethics and the Office of Insurance Regulation. The  
1743 executive director of the plan or his or her designee shall  
1744 notify each newly appointed and existing appointed member of the  
1745 board of governors, senior manager, and officer of his or her  
1746 duty to comply with the reporting requirements of s. 112.3145.  
1747 At least quarterly, the executive director of the plan or his or  
1748 her designee shall submit to the Commission on Ethics a list of  
1749 names of the senior managers, officers, and members of the board  
1750 of governors who are subject to the public disclosure  
1751 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
1752 employee, officer, owner, or director of an insurance agency,  
1753 insurance company, or other insurance entity may be a member of  
1754 the board of governors unless such employee, officer, owner, or  
1755 director of an insurance agency, insurance company, other  
1756 insurance entity, or an affiliate provides policy issuance,  
1757 policy administration, underwriting, claims handling, or payroll  
1758 audit services. Notwithstanding s. 112.3143, such board member  
1759 may not participate in or vote on a matter if the insurance  
1760 agency, insurance company, or other insurance entity would  
1761 obtain a special or unique benefit that would not apply to other  
1762 similarly situated insurance entities.

1763 Section 24. For the purpose of incorporating the amendment  
1764 made to this act to section 112.3143, Florida Statutes, in a  
1765 reference thereto, paragraph (d) of subsection (6) of section  
1766 627.351, Florida Statutes, is reenacted to read:

1767 627.351 Insurance risk apportionment plans.—

1768 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1769 (d)1. All prospective employees for senior management

20132er

1770 positions, as defined by the plan of operation, are subject to  
1771 background checks as a prerequisite for employment. The office  
1772 shall conduct the background checks pursuant to ss. 624.34,  
1773 624.404(3), and 628.261.

1774 2. On or before July 1 of each year, employees of the  
1775 corporation must sign and submit a statement attesting that they  
1776 do not have a conflict of interest, as defined in part III of  
1777 chapter 112. As a condition of employment, all prospective  
1778 employees must sign and submit to the corporation a conflict-of-  
1779 interest statement.

1780 3. Senior managers and members of the board of governors  
1781 are subject to part III of chapter 112, including, but not  
1782 limited to, the code of ethics and public disclosure and  
1783 reporting of financial interests, pursuant to s. 112.3145.  
1784 Notwithstanding s. 112.3143(2), a board member may not vote on  
1785 any measure that would inure to his or her special private gain  
1786 or loss; that he or she knows would inure to the special private  
1787 gain or loss of any principal by whom he or she is retained or  
1788 to the parent organization or subsidiary of a corporate  
1789 principal by which he or she is retained, other than an agency  
1790 as defined in s. 112.312; or that he or she knows would inure to  
1791 the special private gain or loss of a relative or business  
1792 associate of the public officer. Before the vote is taken, such  
1793 member shall publicly state to the assembly the nature of his or  
1794 her interest in the matter from which he or she is abstaining  
1795 from voting and, within 15 days after the vote occurs, disclose  
1796 the nature of his or her interest as a public record in a  
1797 memorandum filed with the person responsible for recording the  
1798 minutes of the meeting, who shall incorporate the memorandum in

20132er

1799 the minutes. Senior managers and board members are also required  
1800 to file such disclosures with the Commission on Ethics and the  
1801 Office of Insurance Regulation. The executive director of the  
1802 corporation or his or her designee shall notify each existing  
1803 and newly appointed member of the board of governors and senior  
1804 managers of their duty to comply with the reporting requirements  
1805 of part III of chapter 112. At least quarterly, the executive  
1806 director or his or her designee shall submit to the Commission  
1807 on Ethics a list of names of the senior managers and members of  
1808 the board of governors who are subject to the public disclosure  
1809 requirements under s. 112.3145.

1810 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other  
1811 provision of law, an employee or board member may not knowingly  
1812 accept, directly or indirectly, any gift or expenditure from a  
1813 person or entity, or an employee or representative of such  
1814 person or entity, which has a contractual relationship with the  
1815 corporation or who is under consideration for a contract. An  
1816 employee or board member who fails to comply with subparagraph  
1817 3. or this subparagraph is subject to penalties provided under  
1818 ss. 112.317 and 112.3173.

1819 5. Any senior manager of the corporation who is employed on  
1820 or after January 1, 2007, regardless of the date of hire, who  
1821 subsequently retires or terminates employment is prohibited from  
1822 representing another person or entity before the corporation for  
1823 2 years after retirement or termination of employment from the  
1824 corporation.

1825 6. Any senior manager of the corporation who is employed on  
1826 or after January 1, 2007, regardless of the date of hire, who  
1827 subsequently retires or terminates employment is prohibited from

20132er

1828 having any employment or contractual relationship for 2 years  
1829 with an insurer that has entered into a take-out bonus agreement  
1830 with the corporation.

1831 Section 25. This act shall take effect upon becoming a law.