

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Boyd offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

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

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

(12)

(b) "Gift" does not include:

005347

Amendment No.

17 1. Salary, benefits, services, fees, commissions, gifts,  
18 or expenses associated primarily with the donee's employment,  
19 business, or service as an officer or director of a corporation  
20 or organization.

21 2. Except as provided in s. 112.31485, contributions or  
22 expenditures reported pursuant to chapter 106, contributions or  
23 expenditures reported pursuant to federal election law,  
24 campaign-related personal services provided without compensation  
25 by individuals volunteering their time, or any other  
26 contribution or expenditure by a political party or affiliated  
27 party committee.

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

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

33 5. An honorary membership in a service or fraternal  
34 organization presented merely as a courtesy by such  
35 organization.

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

38 7. Transportation provided to a public officer or employee  
39 by an agency in relation to officially approved governmental  
40 business.

41 8. Gifts provided directly or indirectly by a state,  
42 regional, or national organization which promotes the exchange  
43 of ideas between, or the professional development of,  
44 governmental officials or employees, and whose membership is

005347

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Amendment No.

45 primarily composed of elected or appointed public officials or  
46 staff, to members of that organization or officials or staff of  
47 a governmental agency that is a member of that organization.  
48

49 Section 2. Section 112.3125, Florida Statutes, is created  
50 to read:

51 112.3125 Dual public employment.-

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

56 (2) A public officer may not accept public employment with  
57 the state or any of its political subdivisions if the public  
58 officer knows, or with the exercise of reasonable care should  
59 know, that the position is being offered by the employer for the  
60 purpose of gaining influence or other advantage based on the  
61 public officer's office or candidacy.

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

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

67 2. The position was publicly advertised;

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

70 4. The public officer meets or exceeds the required  
71 qualifications for the position.

72 (4) A person who was employed by the state or any of its

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

73 political subdivisions before qualifying as a public officer for  
74 his or her current term of office or the next available term of  
75 office may continue his or her employment. However, he or she  
76 may not accept promotion, advancement, additional compensation,  
77 or anything of value that he or she knows, or with the exercise  
78 of reasonable care should know, is provided or given as a result  
79 of his or her election or position, or that is otherwise  
80 inconsistent with the promotion, advancement, additional  
81 compensation, or anything of value provided or given an employee  
82 who is similarly situated.

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

85 Section 3. Paragraph (a) of subsection (9) of section  
86 112.313, Florida Statutes, is amended to read:

87 112.313 Standards of conduct for public officers,  
88 employees of agencies, and local government attorneys.—

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

91 (a)1. It is the intent of the Legislature to implement by  
92 statute the provisions of s. 8(e), Art. II of the State  
93 Constitution relating to legislators, statewide elected  
94 officers, appointed state officers, and designated public  
95 employees.

96 2. As used in this paragraph:

97 a. "Employee" means:

98 (I) Any person employed in the executive or legislative  
99 branch of government holding a position in the Senior Management  
100 Service as defined in s. 110.402 or any person holding a

Amendment No.

101 position in the Selected Exempt Service as defined in s. 110.602  
102 or any person having authority over policy or procurement  
103 employed by the Department of the Lottery.

104 (II) The Auditor General, the director of the Office of  
105 Program Policy Analysis and Government Accountability, the  
106 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
107 at Arms and Clerk of the House of Representatives.

108 (III) The executive director and deputy executive director  
109 of the Commission on Ethics.

110 (IV) An executive director, staff director, or deputy  
111 staff director of each joint committee, standing committee, or  
112 select committee of the Legislature; an executive director,  
113 staff director, executive assistant, analyst, or attorney of the  
114 Office of the President of the Senate, the Office of the Speaker  
115 of the House of Representatives, the Senate Majority Party  
116 Office, Senate Minority Party Office, House Majority Party  
117 Office, or House Minority Party Office; or any person, hired on  
118 a contractual basis, having the power normally conferred upon  
119 such persons, by whatever title.

120 (V) The Chancellor and Vice Chancellors of the State  
121 University System; the general counsel to the Board of Governors  
122 of the State University System; and the president, provost, vice  
123 presidents, and deans of each state university.

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

127 b. "Appointed state officer" means any member of an  
128 appointive board, commission, committee, council, or authority

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

129 of the executive or legislative branch of state government whose  
130 powers, jurisdiction, and authority are not solely advisory and  
131 include the final determination or adjudication of any personal  
132 or property rights, duties, or obligations, other than those  
133 relative to its internal operations.

134 c. "State agency" means an entity of the legislative,  
135 executive, or judicial branch of state government over which the  
136 Legislature exercises plenary budgetary and statutory control.

137 3.a. No member of the Legislature, appointed state officer,  
138 or statewide elected officer shall personally represent another  
139 person or entity for compensation before the government body or  
140 agency of which the individual was an officer or member for a  
141 period of 2 years following vacation of office. No member of the  
142 Legislature shall personally represent another person or entity  
143 for compensation during his or her term of office before any  
144 state agency other than judicial tribunals or in settlement  
145 negotiations after the filing of a lawsuit.

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

151 4. An agency employee, including an agency employee who  
152 was employed on July 1, 2001, in a Career Service System  
153 position that was transferred to the Selected Exempt Service  
154 System under chapter 2001-43, Laws of Florida, may not  
155 personally represent another person or entity for compensation  
156 before the agency with which he or she was employed for a period

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 6 of 67

Amendment No.

157 of 2 years following vacation of position, unless employed by  
158 another agency of state government.

159 5. Any person violating this paragraph shall be subject to  
160 the penalties provided in s. 112.317 and a civil penalty of an  
161 amount equal to the compensation which the person receives for  
162 the prohibited conduct.

163 6. This paragraph is not applicable to:

164 a. A person employed by the Legislature or other agency  
165 prior to July 1, 1989;

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

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

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

175 e. Any appointed state officer whose term of office began  
176 before January 1, 1995, unless reappointed to that office on or  
177 after January 1, 1995.

178 Section 4. Section 112.3142, Florida Statutes, is created  
179 to read:

180 112.3142 Ethics training for specified constitutional  
181 officers.-

182 (1) As used in this section, the term "constitutional  
183 officers" includes the Governor, the Lieutenant Governor, the  
184 Attorney General, the Chief Financial Officer, the Commissioner

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 7 of 67

Amendment No.

185 of Agriculture, state attorneys, public defenders, sheriffs, tax  
186 collectors, property appraisers, supervisors of elections,  
187 clerks of the circuit court, county commissioners, district  
188 school board members, and superintendents of schools.

189 (2) (a) All constitutional officers must complete 4 hours  
190 of ethics training annually that addresses, at a minimum, s. 8,  
191 Art. II of the State Constitution, the Code of Ethics for Public  
192 Officers and Employees, and the public records and public  
193 meetings laws of this state. This requirement may be satisfied  
194 by completion of a continuing legal education class or other  
195 continuing professional education class, seminar, or  
196 presentation if the required subjects are covered.

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

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

203 Section 5. Section 112.31425, Florida Statutes, is created  
204 to read:

205 112.31425 Qualified blind trusts.—

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

210 (2) If a public officer holds a beneficial interest in a  
211 qualified blind trust as described in this section, he or she  
212 does not have a conflict of interest prohibited under s.

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

213 112.313(3) or (7) or a voting conflict of interest under s.

214 112.3143 with regard to matters pertaining to that interest.

215 (3) The public officer may not attempt to influence or  
216 exercise any control over decisions regarding the management of  
217 assets in a qualified blind trust. The public officer or any  
218 person having a beneficial interest in the qualified blind trust  
219 may not make any effort to obtain information with respect to  
220 the holdings of the trust, including obtaining a copy of any  
221 trust tax return filed or any information relating thereto,  
222 except as otherwise provided in this section.

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

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

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

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

240 (d) A direction to the trustee to sell all of an asset

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

241 initially placed in the trust by the public officer which, in  
242 the determination of the public officer, creates a conflict of  
243 interest or the appearance thereof due to the subsequent  
244 assumption of duties by the public officer.

245 (5) The public officer shall report the beneficial  
246 interest in the qualified blind trust and its value as an asset  
247 on his or her financial disclosure form, if the value is  
248 required to be disclosed. The public officer shall report the  
249 blind trust as a primary source of income on his or her  
250 financial disclosure forms and its amount, if the amount of  
251 income is required to be disclosed. The public officer is not  
252 required to report as a secondary source of income any source of  
253 income to the blind trust.

254 (6) In order to constitute a qualified blind trust, the  
255 trust established by the public officer must meet the following  
256 requirements:

257 (a) The appointed trustee must be a bank, trust company,  
258 or other institutional fiduciary or an individual who is an  
259 attorney, certified public accountant, broker, or investment  
260 advisor. If the trustee is an individual or if the trustee is a  
261 bank, trust company, or other institutional fiduciary, the  
262 individual responsible for managing the trust may not be:

263 1. The public officer's spouse, child, parent,  
264 grandparent, grandchild, brother, sister, parent-in-law,  
265 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or  
266 the spouse of any such person;

267 2. A person who is an elected or appointed public officer  
268 or a public employee;

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

269  
270 3. A person who has been appointed to serve in an agency  
271 by the public officer or by a public officer or public employee  
272 supervised by the public officer; or

273 4. A business associate or principal of the public  
274 officer.

275 (b) All assets in the trust must be free of any  
276 restrictions with respect to their transfer or sale. The trust  
277 may not contain investments or assets the transfer of which by  
278 the trustee is improbable or impractical without the public  
279 officer's knowledge.

280 (c) The trust agreement must:

281 1. Contain a statement that its purpose is to remove from  
282 the grantor control and knowledge of investment of trust assets  
283 so that conflicts between the grantor's responsibilities as a  
284 public officer and his or her private interests are eliminated.

285 2. Give the trustee complete discretion to manage the  
286 trust, including, but not limited to, the power to dispose of  
287 and acquire trust assets without consulting or notifying the  
288 covered public officer or the person having a beneficial  
289 interest in the trust.

290 3. Prohibit communication between the trustee and the  
291 public officer, or the person who has a beneficial interest in  
292 the trust, concerning the holdings or sources of income of the  
293 trust, except amounts of cash value or net income or loss, if  
294 such report does not identify any asset or holding, or except as  
295 provided in this section.

296 4. Provide that the trust tax return is prepared by the

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

297 trustee or his or her designee and that any information relating  
298 thereto is not disclosed to the public officer or to the person  
299 who has a beneficial interest, except as provided in this  
300 section.

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

306 6. Prohibit the trustee from disclosing to the public  
307 officer or the person who has a beneficial interest any  
308 information concerning replacement assets to the trust, except  
309 for the minimum tax information necessary to enable the public  
310 official to complete an individual tax return required by law.

311 (d) Within 5 business days after the agreement is  
312 executed, the public officer shall file with the commission a  
313 notice setting forth:

314 1. The date that the agreement is executed.

315 2. The name and address of the trustee.

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

318 4. A certification by the trustee on a form prescribed by  
319 the commission that the trust meets all of the requirements of  
320 this section. In lieu of said certification, the public officer  
321 may file a copy of the trust agreement.

322 5. A complete list of assets placed in the trust that the  
323 public officer would be required to disclose pursuant to ss.  
324 112.3144 or 112.3145.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

325       (7) If the trust is revoked while the covered public  
326 official is a public officer, or if the covered public official  
327 learns of any replacement assets that have been added to the  
328 trust, the covered public official shall file an amendment to  
329 his or her most recent financial disclosure statement. The  
330 amendment shall be filed no later than 60 days after the date of  
331 revocation or the addition of the replacement assets. The  
332 covered public official shall disclose the previously unreported  
333 pro rata share of the trust's interests in investments or income  
334 deriving from any such investments. For purposes of this  
335 section, any replacement asset that becomes known to the covered  
336 public official shall thereafter be treated as though it were an  
337 original asset of the trust.

338       Section 6. Subsections (1) and (2) of section 112.3143,  
339 Florida Statutes, are amended, current subsection (5) of that  
340 section is renumbered as subsection (6), and a new subsection  
341 (5) is added to that section, to read:

342       112.3143 Voting conflicts.—

343       (1) As used in this section:

344       (a) "Principal by whom retained" means an individual or  
345 entity, other than an agency as defined in s. 112.312(2), that  
346 for compensation, salary, pay, consideration, or similar thing  
347 of value, has permitted or directed another to act for the  
348 individual or entity, and includes, but is not limited to, one's  
349 client, employer, or the parent, subsidiary, or sibling  
350 organization of one's client or employer.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

351 (b)-(a) "Public officer" includes any person elected or  
352 appointed to hold office in any agency, including any person  
353 serving on an advisory body.

354 (c)-(b) "Relative" means any father, mother, son, daughter,  
355 husband, wife, brother, sister, father-in-law, mother-in-law,  
356 son-in-law, or daughter-in-law.

357 (d) "Special private gain or loss" means an economic  
358 benefit or harm that would inure to the officer, his or her  
359 relative, business associate, or principal, unless the measure  
360 affects a class that includes the officer, his or her relative,  
361 business associate, or principal, in which case, at least the  
362 following factors must be considered when determining whether a  
363 special private gain or loss exists:

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

365 2. The nature of the interests involved.

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

368 4. The degree to which the officer, his or her relative,  
369 business associate, or principal receives a greater benefit or  
370 harm when compared to other members of the class.

371  
372 The degree to which there is uncertainty at the time of the vote  
373 as to whether there would be any economic benefit or harm to the  
374 public officer, his or her relative, business associate, or  
375 principal and, if so, the nature or degree of the economic  
376 benefit or harm must also be considered.

377 (2)(a) A ~~Ne~~ state public officer may not vote on any  
378 matter that the officer knows would inure to his or her special

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

379 private gain or loss is prohibited from voting in an official  
380 capacity on any matter. However, Any state public officer who  
381 abstains from voting in an official capacity upon any measure  
382 that which the officer knows would inure to the officer's  
383 special private gain or loss, or who votes in an official  
384 capacity on a measure that, which he or she knows would inure to  
385 the special private gain or loss of any principal by whom the  
386 officer is retained or to the parent organization or subsidiary  
387 of a corporate principal by which the officer is retained other  
388 than an agency as defined in s. 112.312(2); or which the officer  
389 knows would inure to the special private gain or loss of a  
390 relative or business associate of the public officer, shall make  
391 every reasonable effort to, within 15 days after the vote  
392 occurs, disclose the nature of his or her interest as a public  
393 record in a memorandum filed with the person responsible for  
394 recording the minutes of the meeting, who shall incorporate the  
395 memorandum in the minutes. If it is not possible for the state  
396 public officer to file a memorandum before the vote, the  
397 memorandum must be filed with the person responsible for  
398 recording the minutes of the meeting no later than 15 days after  
399 the vote.

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

404 (5) If disclosure of specific information would violate  
405 confidentiality or privilege pursuant to law or rules governing  
406 attorneys, a public officer, who is also an attorney, may comply

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

407 with the disclosure requirements of this section by disclosing  
408 the nature of the interest in such a way as to provide the  
409 public with notice of the conflict.

410 Section 7. Subsection (2) of section 112.3144, Florida  
411 Statutes, is amended, present subsection (7) is renumbered as  
412 subsection (9), and new subsections (7) and (8) are added to  
413 that section, to read:

414 112.3144 Full and public disclosure of financial  
415 interests.—

416 (2) A person who is required, pursuant to s. 8, Art. II of  
417 the State Constitution, to file a full and public disclosure of  
418 financial interests and who has filed a full and public  
419 disclosure of financial interests for any calendar or fiscal  
420 year shall not be required to file a statement of financial  
421 interests pursuant to s. 112.3145(2) and (3) for the same year  
422 or for any part thereof notwithstanding any requirement of this  
423 part. When a candidate has qualified for office, the qualifying  
424 officer shall forward an electronic copy of the full and public  
425 disclosure of financial interests to the commission no later  
426 than July 1. The electronic copy of the full and public  
427 disclosure of financial interests satisfies the annual  
428 disclosure requirement of this section. A candidate who does not  
429 qualify until after the annual full and public disclosure has  
430 been filed pursuant to this section, ~~except that a candidate for~~  
431 ~~office~~ shall file a copy of his or her disclosure with the  
432 officer before whom he or she qualifies.

433 (7) (a) The commission shall treat an amended full and  
434 public disclosure of financial interests that is filed prior to

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 16 of 67



Amendment No.

435 September 1 of the current year as the original filing,  
436 regardless of whether a complaint has been filed. If a complaint  
437 pertaining to the current year alleges a failure to properly and  
438 accurately disclose any information required by this section or  
439 if a complaint filed pertaining to a previous reporting period  
440 within the preceding 5 years alleges a failure to properly and  
441 accurately disclose any information required to be disclosed by  
442 this section, the commission may immediately follow complaint  
443 procedures in s. 112.324. However, if a complaint filed after  
444 August 25 alleges an immaterial, inconsequential, or de minimis  
445 error or omission, the commission may not take any action on the  
446 complaint, other than notifying the filer of the complaint. The  
447 filer must be given 30 days to file an amended full and public  
448 disclosure of financial interests correcting any errors. If the  
449 filer does not file an amended full and public disclosure of  
450 financial interests within 30 days after the commission sends  
451 notice of the complaint, the commission may continue with  
452 proceedings pursuant to s. 112.324.

453 (b) For purposes of the final full and public disclosure  
454 of financial interests, the commission shall treat a new final  
455 full and public disclosure of financial interests as the  
456 original filing if filed within 60 days after the original  
457 filing, regardless of whether a complaint has been filed. If,  
458 more than 60 days after a final full and public disclosure of  
459 financial interests is filed, a complaint is filed alleging a  
460 complete omission of any information required to be disclosed by  
461 this section, the commission may immediately follow the  
462 complaint procedures in s. 112.324. However, if the complaint

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

463 alleges an immaterial, inconsequential, or de minimis error or  
464 omission, the commission may not take any action on the  
465 complaint, other than notifying the filer of the complaint. The  
466 filer must be given 30 days to file a new final full and public  
467 disclosure of financial interests correcting any errors. If the  
468 filer does not file a new final full and public disclosure of  
469 financial interests within 30 days after the commission sends  
470 notice of the complaint, the commission may continue with  
471 proceedings pursuant to s. 112.324.

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

476 (8) (a) An individual required to file a disclosure  
477 pursuant to this section may have the disclosure prepared by an  
478 attorney in good standing with The Florida Bar or by a certified  
479 public accountant licensed under chapter 473. After preparing a  
480 disclosure form, the attorney or certified public accountant  
481 must sign the form indicating that he or she prepared the form  
482 in accordance with this section and the instructions for  
483 completing and filing the disclosure forms and that, upon his or  
484 her reasonable knowledge and belief, the disclosure is true and  
485 correct. If a complaint is filed alleging a failure to disclose  
486 information required by this section, the commission shall  
487 determine whether the information was disclosed to the attorney  
488 or certified public accountant. The failure of the attorney or  
489 certified public accountant to accurately transcribe information  
490 provided by the individual required to file is not a violation

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.  
491 of this section.

492 (b) An elected officer or candidate who chooses to use an  
493 attorney or a certified public accountant to prepare his or her  
494 disclosure may pay for the services of the attorney or certified  
495 public accountant from funds in an office account created  
496 pursuant to s. 106.141 or, during a year that the individual  
497 qualifies for election to public office, the candidate's  
498 campaign depository pursuant to s. 106.021.

499 Section 8. Section 112.31445, Florida Statutes, is created  
500 to read:

501 112.31445 Electronic filing system; full and public  
502 disclosure of financial interests.-

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

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

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

516 (a) Provide for access through the Internet.

517 (b) Establish a procedure to make filings available in a  
518 searchable format that is accessible by an individual using

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

519 standard web-browsing software.

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

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

525 (e) Provide a method for an attorney or certified public  
526 accountant licensed in this state to sign the disclosure form to  
527 indicate that he or she prepared the form in accordance with s.  
528 112.3144 and the instructions for completing and filing the  
529 disclosure form and that, upon his or her reasonable knowledge  
530 and belief, the form is true and correct.

531 (f) Address whether additional statutory or rulemaking  
532 authority is necessary for implementation of the system, and  
533 must include, at a minimum, the following elements: alternate  
534 filing procedures to be used in the event that the commission's  
535 electronic filing system is inoperable, issuance of an  
536 electronic receipt via electronic mail indicating and verifying  
537 to the individual who submitted the full and public disclosure  
538 of financial interests form that the form has been filed, and a  
539 determination of the feasibility and necessity of including  
540 statements of financial interests filed pursuant to s. 112.3145  
541 in the proposed system.

542 Section 9. Paragraphs (a) and (b) of subsection (1),  
543 paragraph (a) of subsection (2), and subsection (3) of section  
544 112.3145, Florida Statutes, are amended, present subsection (9)  
545 of that section is renumbered as subsection (11), and new  
546 subsections (9) and (10) are added to that section, to read:

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

547 112.3145 Disclosure of financial interests and clients  
548 represented before agencies.—

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

551 (a) "Local officer" means:

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

555 2. Any appointed member of any of the following boards,  
556 councils, commissions, authorities, or other bodies of any  
557 county, municipality, school district, independent special  
558 district, or other political subdivision of the state:

559 a. The governing body of the political subdivision, if  
560 appointed;

561 ~~b. An expressway authority or transportation authority~~  
562 ~~established by general law;~~

563 ~~b.e.~~ A community college or junior college district board  
564 of trustees;

565 ~~c.d.~~ A board having the power to enforce local code  
566 provisions;

567 ~~d.e.~~ A planning or zoning board, board of adjustment,  
568 board of appeals, community redevelopment agency board, or other  
569 board having the power to recommend, create, or modify land  
570 planning or zoning within the political subdivision, except for  
571 citizen advisory committees, technical coordinating committees,  
572 and such other groups who only have the power to make  
573 recommendations to planning or zoning boards;

574 ~~e.f.~~ A pension board or retirement board having the power

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

575 to invest pension or retirement funds or the power to make a  
576 binding determination of one's entitlement to or amount of a  
577 pension or other retirement benefit; or

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

582 3. Any person holding one or more of the following  
583 positions: mayor; county or city manager; chief administrative  
584 employee of a county, municipality, or other political  
585 subdivision; county or municipal attorney; finance director of a  
586 county, municipality, or other political subdivision; chief  
587 county or municipal building code inspector; county or municipal  
588 water resources coordinator; county or municipal pollution  
589 control director; county or municipal environmental control  
590 director; county or municipal administrator, with power to grant  
591 or deny a land development permit; chief of police; fire chief;  
592 municipal clerk; district school superintendent; community  
593 college president; district medical examiner; or purchasing  
594 agent having the authority to make any purchase exceeding the  
595 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
596 behalf of any political subdivision of the state or any entity  
597 thereof.

598 (b) "Specified state employee" means:

599 1. Public counsel created by chapter 350, an assistant  
600 state attorney, an assistant public defender, a criminal  
601 conflict and civil regional counsel, an assistant criminal  
602 conflict and civil regional counsel, a full-time state employee

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

603 who serves as counsel or assistant counsel to any state agency,  
604 the Deputy Chief Judge of Compensation Claims, a judge of  
605 compensation claims, an administrative law judge, or a hearing  
606 officer.

607 2. Any person employed in the office of the Governor or in  
608 the office of any member of the Cabinet if that person is exempt  
609 from the Career Service System, except persons employed in  
610 clerical, secretarial, or similar positions.

611 3. The State Surgeon General or each appointed secretary,  
612 assistant secretary, deputy secretary, executive director,  
613 assistant executive director, or deputy executive director of  
614 each state department, commission, board, or council; unless  
615 otherwise provided, the division director, assistant division  
616 director, deputy director, bureau chief, and assistant bureau  
617 chief of any state department or division; or any person having  
618 the power normally conferred upon such persons, by whatever  
619 title.

620 4. The superintendent or institute director of a state  
621 mental health institute established for training and research in  
622 the mental health field or the warden or director of any major  
623 state institution or facility established for corrections,  
624 training, treatment, or rehabilitation.

625 5. Business managers, purchasing agents having the power  
626 to make any purchase exceeding the threshold amount provided for  
627 in s. 287.017 for CATEGORY ONE, finance and accounting  
628 directors, personnel officers, or grants coordinators for any  
629 state agency.

630 6. Any person, other than a legislative assistant exempted

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

631 by the presiding officer of the house by which the legislative  
632 assistant is employed, who is employed in the legislative branch  
633 of government, except persons employed in maintenance, clerical,  
634 secretarial, or similar positions.

635 7. Each employee of the Commission on Ethics.

636 (2) (a) A person seeking nomination or election to a state  
637 or local elective office shall file a statement of financial  
638 interests together with, and at the same time he or she files,  
639 qualifying papers. When a candidate has qualified for office  
640 prior to the deadline to file an annual statement of financial  
641 interests, the statement of financial interests that is filed  
642 with the candidate's qualifying papers shall be deemed to  
643 satisfy the annual disclosure requirement of this section. The  
644 qualifying officer must record that the statement of financial  
645 interests was timely filed. However, if a candidate does not  
646 qualify until after the annual statement of financial interests  
647 has been filed, the candidate may file a copy of his or her  
648 statement with the qualifying officer.

649 (3) The statement of financial interests for state  
650 officers, specified state employees, local officers, and persons  
651 seeking to qualify as candidates for state or local office shall  
652 be filed even if the reporting person holds no financial  
653 interests requiring disclosure, in which case the statement  
654 shall be marked "not applicable." Otherwise, the statement of  
655 financial interests shall include, at the filer's option,  
656 either:

657 (a)1. All sources of income in excess of 5 percent of the  
658 gross income received during the disclosure period by the person

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

659 in his or her own name or by any other person for his or her use  
660 or benefit, excluding public salary. However, this shall not be  
661 construed to require disclosure of a business partner's sources  
662 of income. The person reporting shall list such sources in  
663 descending order of value with the largest source first;

664 2. All sources of income to a business entity in excess of  
665 10 percent of the gross income of a business entity in which the  
666 reporting person held a material interest and from which he or  
667 she received an amount which was in excess of 10 percent of his  
668 or her gross income during the disclosure period and which  
669 exceeds \$1,500. The period for computing the gross income of the  
670 business entity is the fiscal year of the business entity which  
671 ended on, or immediately prior to, the end of the disclosure  
672 period of the person reporting;

673 3. The location or description of real property in this  
674 state, except for residences and vacation homes, owned directly  
675 or indirectly by the person reporting, when such person owns in  
676 excess of 5 percent of the value of such real property, and a  
677 general description of any intangible personal property worth in  
678 excess of 10 percent of such person's total assets. For the  
679 purposes of this paragraph, indirect ownership does not include  
680 ownership by a spouse or minor child; and

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

683 (b)1. All sources of gross income in excess of \$2,500  
684 received during the disclosure period by the person in his or  
685 her own name or by any other person for his or her use or  
686 benefit, excluding public salary. However, this shall not be

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

687 construed to require disclosure of a business partner's sources  
688 of income. The person reporting shall list such sources in  
689 descending order of value with the largest source first;

690 2. All sources of income to a business entity in excess of  
691 10 percent of the gross income of a business entity in which the  
692 reporting person held a material interest and from which he or  
693 she received gross income exceeding \$5,000 during the disclosure  
694 period. The period for computing the gross income of the  
695 business entity is the fiscal year of the business entity which  
696 ended on, or immediately prior to, the end of the disclosure  
697 period of the person reporting;

698 3. The location or description of real property in this  
699 state, except for residence and vacation homes, owned directly  
700 or indirectly by the person reporting, when such person owns in  
701 excess of 5 percent of the value of such real property, and a  
702 general description of any intangible personal property worth in  
703 excess of \$10,000. For the purpose of this paragraph, indirect  
704 ownership does not include ownership by a spouse or minor child;  
705 and

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

707  
708 A person filing a statement of financial interests shall  
709 indicate on the statement whether he or she is using the method  
710 specified in paragraph (a) or paragraph (b) of this subsection.

711 (9) (a) The commission shall treat an amended statement of  
712 financial interests that is filed prior to September 1 of the  
713 current year as the original filing, regardless of whether a  
714 complaint has been filed. If a complaint pertaining to the

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

715 current year alleges a failure to properly and accurately  
716 disclose any information required by this section or if a  
717 complaint filed pertaining to a previous reporting period within  
718 the preceding 5 years alleges a failure to properly and  
719 accurately disclose any information required to be disclosed by  
720 this section, the commission may immediately follow complaint  
721 procedures in s. 112.324. However, if a complaint filed after  
722 August 25 alleges an immaterial, inconsequential, or de minimis  
723 error or omission, the commission may not take any action on the  
724 complaint, other than notifying the filer of the complaint. The  
725 filer must be given 30 days to file an amended statement of  
726 financial interests correcting any errors. If the filer does not  
727 file an amended statement of financial interests within 30 days  
728 after the commission sends notice of the complaint, the  
729 commission may continue with proceedings pursuant to s. 112.324.

730 (b) For purposes of the final statement of financial  
731 interests, the commission shall treat a new final statement of  
732 financial interests, as the original filing, if filed within 60  
733 days of the original filing regardless of whether a complaint  
734 has been filed. If, more than 60 days after a final statement of  
735 financial interests is filed, a complaint is filed alleging a  
736 complete omission of any information required to be disclosed by  
737 this section, the commission may immediately follow the  
738 complaint procedures in s. 112.324. However, if the complaint  
739 alleges an immaterial, inconsequential, or de minimis error or  
740 omission, the commission may not take any action on the  
741 complaint other than notifying the filer of the complaint. The  
742 filer must be given 30 days to file a new final statement of

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

743 financial interests correcting any errors. If the filer does not  
744 file a new final statement of financial interests within 30 days  
745 after the commission sends notice of the complaint, the  
746 commission may continue with proceedings pursuant to s. 112.324.

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

751 (10) (a) An individual required to file a disclosure  
752 pursuant to this section may have the disclosure prepared by an  
753 attorney in good standing with The Florida Bar or by a certified  
754 public accountant licensed under chapter 473. After preparing a  
755 disclosure form, the attorney or certified public accountant  
756 must sign the form indicating that he or she prepared the form  
757 in accordance with this section and the instructions for  
758 completing and filing the disclosure forms and that, upon his or  
759 her reasonable knowledge and belief, the disclosure is true and  
760 correct. If a complaint is filed alleging a failure to disclose  
761 information required by this section, the commission shall  
762 determine whether the information was disclosed to the attorney  
763 or certified public accountant. The failure of the attorney or  
764 certified public accountant to accurately transcribe information  
765 provided by the individual who is required to file the  
766 disclosure does not constitute a violation of this section.

767 (b) An elected officer or candidate who chooses to use an  
768 attorney or a certified public accountant to prepare his or her  
769 disclosure may pay for the services of the attorney or certified  
770 public accountant from funds in an office account created

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

771 pursuant to s. 106.141 or, during a year that the individual  
772 qualifies for election to public office, the candidate's  
773 campaign depository pursuant to s. 106.021.

774 Section 10. Section 112.31455, Florida Statutes, is  
775 created to read:

776 112.31455 Collection methods for unpaid automatic fines  
777 for failure to timely file disclosure of financial interests.-

778 (1) Before referring any unpaid fine accrued pursuant to  
779 s. 112.3144(5) or s. 112.3145(6) to the Department of Financial  
780 Services, the commission shall attempt to determine whether the  
781 individual owing such a fine is a current public officer or  
782 current public employee. If so, the commission may notify the  
783 Chief Financial Officer or the governing body of the appropriate  
784 county, municipality, or special district of the total amount of  
785 any fine owed to the commission by such individual.

786 (a) After receipt and verification of the notice from the  
787 commission, the Chief Financial Officer or the governing body of  
788 the county, municipality, or special district shall begin  
789 withholding the lesser of 10 percent or the maximum amount  
790 allowed under federal law from any salary-related payment. The  
791 withheld payments shall be remitted to the commission until the  
792 fine is satisfied.

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

797 (2) If the commission determines that the individual who  
798 is the subject of an unpaid fine accrued pursuant to s.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

799 112.3144(5) or s. 112.3145(6) is no longer a public officer or  
800 public employee or if the commission is unable to determine  
801 whether the individual is a current public officer or public  
802 employee, the commission may, 6 months after the order becomes  
803 final, seek garnishment of any wages to satisfy the amount of  
804 the fine, or any unpaid portion thereof, pursuant to chapter 77.  
805 Upon recording the order imposing the fine with the clerk of the  
806 circuit court, the order shall be deemed a judgment for purposes  
807 of garnishment pursuant to chapter 77.

808 (3) The commission may refer unpaid fines to the  
809 appropriate collection agency, as directed by the Chief  
810 Financial Officer, to utilize any collection methods provided by  
811 law. Except as expressly limited by this section, any other  
812 collection methods authorized by law are allowed.

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

816 Section 11. Section 112.3147, Florida Statutes, is amended  
817 to read:

818 112.3147 Forms.—Except as otherwise provided, all  
819 information required to be furnished by ss. 112.313, 112.3143,  
820 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II  
821 of the State Constitution shall be on forms prescribed by the  
822 Commission on Ethics.

823 Section 12. Paragraph (e) of subsection (2) of section  
824 112.3148, Florida Statutes, is amended and paragraph (f) is  
825 added to that subsection, and subsections (3) through (5) of  
826 that section are amended, to read:

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

827 112.3148 Reporting and prohibited receipt of gifts by  
828 individuals filing full or limited public disclosure of  
829 financial interests and by procurement employees.-

830 (2) As used in this section:

831 (e) "Procurement employee" means any employee of an  
832 officer, department, board, commission, ~~or~~ council, or agency of  
833 the executive branch or judicial branch of state government who  
834 has participated in the preceding 12 months ~~participates~~ through  
835 decision, approval, disapproval, recommendation, preparation of  
836 any part of a purchase request, influencing the content of any  
837 specification or procurement standard, rendering of advice,  
838 investigation, or auditing or in any other advisory capacity in  
839 the procurement of contractual services or commodities as  
840 defined in s. 287.012, if the cost of such services or  
841 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in  
842 any fiscal year.

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

846 (3) A reporting individual or procurement employee is  
847 prohibited from soliciting any gift from a vendor doing business  
848 with the reporting individual's or procurement employee's  
849 agency, a political committee ~~or committee of continuous~~  
850 ~~existence,~~ as defined in s. 106.011, or ~~from~~ a lobbyist who  
851 lobbies the reporting individual's or procurement employee's  
852 agency, or the partner, firm, employer, or principal of such  
853 lobbyist, where such gift is for the personal benefit of the  
854 reporting individual or procurement employee, another reporting

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

855 individual or procurement employee, or any member of the  
856 immediate family of a reporting individual or procurement  
857 employee.

858 (4) A reporting individual or procurement employee or any  
859 other person on his or her behalf is prohibited from knowingly  
860 accepting, directly or indirectly, a gift from a vendor doing  
861 business with the reporting individual's or procurement  
862 employee's agency, a political committee ~~or committee of~~  
863 ~~continuous existence~~, as defined in s. 106.011, or ~~from~~ a  
864 lobbyist who lobbies the reporting individual's or procurement  
865 employee's agency, or directly or indirectly on behalf of the  
866 partner, firm, employer, or principal of a lobbyist, if he or  
867 she knows or reasonably believes that the gift has a value in  
868 excess of \$100; however, such a gift may be accepted by such  
869 person on behalf of a governmental entity or a charitable  
870 organization. If the gift is accepted on behalf of a  
871 governmental entity or charitable organization, the person  
872 receiving the gift shall not maintain custody of the gift for  
873 any period of time beyond that reasonably necessary to arrange  
874 for the transfer of custody and ownership of the gift.

875 (5) (a) A vendor doing business with the reporting  
876 individual's or procurement employee's agency; a political  
877 committee ~~or a committee of continuous existence~~, as defined in  
878 s. 106.011; a lobbyist who lobbies a reporting individual's or  
879 procurement employee's agency; the partner, firm, employer, or  
880 principal of a lobbyist; or another on behalf of the lobbyist or  
881 partner, firm, principal, or employer of the lobbyist is  
882 prohibited from giving, either directly or indirectly, a gift

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

883 that has a value in excess of \$100 to the reporting individual  
884 or procurement employee or any other person on his or her  
885 behalf; however, such person may give a gift having a value in  
886 excess of \$100 to a reporting individual or procurement employee  
887 if the gift is intended to be transferred to a governmental  
888 entity or a charitable organization.

889 (b) However, a person who is regulated by this subsection,  
890 who is not regulated by subsection (6), and who makes, or  
891 directs another to make, an individual gift having a value in  
892 excess of \$25, but not in excess of \$100, other than a gift that  
893 the donor knows will be accepted on behalf of a governmental  
894 entity or charitable organization, must file a report on the  
895 last day of each calendar quarter for the previous calendar  
896 quarter in which a reportable gift is made. The report shall be  
897 filed with the Commission on Ethics, except with respect to  
898 gifts to reporting individuals of the legislative branch, in  
899 which case the report shall be filed with the Office of  
900 Legislative Services. The report must contain a description of  
901 each gift, the monetary value thereof, the name and address of  
902 the person making such gift, the name and address of the  
903 recipient of the gift, and the date such gift is given. In  
904 addition, if a gift is made which requires the filing of a  
905 report under this subsection, the donor must notify the intended  
906 recipient at the time the gift is made that the donor, or  
907 another on his or her behalf, will report the gift under this  
908 subsection. Under this paragraph, a gift need not be reported by  
909 more than one person or entity.

910 Section 13. Section 112.31485, Florida Statutes, is

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

created to read:

112.31485 Prohibition on gifts involving political committees.-

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

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

(2) (a) A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

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

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

Section 14. Paragraph (e) of subsection (1) of section 112.3149, Florida Statutes, is amended, and paragraph (f) is

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

939 added to that subsection, and subsections (3) and (4) of that  
940 section are amended, to read:

941 112.3149 Solicitation and disclosure of honoraria.—

942 (1) As used in this section:

943 (e) "Procurement employee" means any employee of an  
944 officer, department, board, commission, ~~or~~ council, or agency of  
945 the executive branch or judicial branch of state government who  
946 has participated in the preceding 12 months ~~participates~~ through  
947 decision, approval, disapproval, recommendation, preparation of  
948 any part of a purchase request, influencing the content of any  
949 specification or procurement standard, rendering of advice,  
950 investigation, or auditing or in any other advisory capacity in  
951 the procurement of contractual services or commodities as  
952 defined in s. 287.012, if the cost of such services or  
953 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

957 (3) A reporting individual or procurement employee is  
958 prohibited from knowingly accepting an honorarium from a  
959 political committee ~~or committee of continuous existence~~, as  
960 defined in s. 106.011, from a vendor doing business with the  
961 reporting individual's or procurement employee's agency, from a  
962 lobbyist who lobbies the reporting individual's or procurement  
963 employee's agency, or from the employer, principal, partner, or  
964 firm of such a lobbyist.

965 (4) A political committee ~~or committee of continuous~~  
966 ~~existence~~, as defined in s. 106.011, a vendor doing business

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

967 with the reporting individual's or procurement employee's  
968 agency, a lobbyist who lobbies a reporting individual's or  
969 procurement employee's agency, or the employer, principal,  
970 partner, or firm of such a lobbyist is prohibited from giving an  
971 honorarium to a reporting individual or procurement employee.

972 Section 15. Section 112.317, Florida Statutes, is amended  
973 to read:

974 112.317 Penalties.—

975 (1) Any violation of ~~any provision of~~ this part,  
976 including, but not limited to, ~~any~~ failure to file ~~any~~  
977 disclosures required by this part or violation of any standard  
978 of conduct imposed by this part, or any violation of ~~any~~  
979 ~~provision of~~ s. 8, Art. II of the State Constitution, in  
980 addition to any criminal penalty or other civil penalty  
981 involved, ~~shall~~, under applicable constitutional and statutory  
982 procedures, constitutes ~~constitute~~ grounds for, and may be  
983 punished by, one or more of the following:

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

- 985 1. Impeachment.
- 986 2. Removal from office.
- 987 3. Suspension from office.
- 988 4. Public censure and reprimand.
- 989 5. Forfeiture of no more than one-third of his or her  
990 salary per month for no more than 12 months.
- 991 6. A civil penalty not to exceed \$10,000.
- 992 7. Restitution of any pecuniary benefits received because  
993 of the violation committed. The commission may recommend that  
994 the restitution penalty be paid to the agency of which the

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

995 public officer was a member or to the General Revenue Fund.

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

999 1. Dismissal from employment.

1000 2. Suspension from employment for not more than 90 days  
1001 without pay.

1002 3. Demotion.

1003 4. Reduction in his or her salary level.

1004 5. Forfeiture of no more than one-third salary per month  
1005 for no more than 12 months.

1006 6. A civil penalty not to exceed \$10,000.

1007 7. Restitution of any pecuniary benefits received because  
1008 of the violation committed. The commission may recommend that  
1009 the restitution penalty be paid to the agency by which the  
1010 public employee was employed, or of which the officer was deemed  
1011 to be an employee, or to the General Revenue Fund.

1012 8. Public censure and reprimand.

1013 (c) In the case of a candidate who violates ~~the provisions~~  
1014 ~~of~~ this part or s. 8(a) and (i), Art. II of the State  
1015 Constitution:

1016 1. Disqualification from being on the ballot.

1017 2. Public censure.

1018 3. Reprimand.

1019 4. A civil penalty not to exceed \$10,000.

1020 (d) In the case of a former public officer or employee who  
1021 has violated a provision applicable to former officers or  
1022 employees or whose violation occurred before the officer's or

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1023 employee's leaving public office or employment:

1024 1. Public censure and reprimand.

1025 2. A civil penalty not to exceed \$10,000.

1026 3. Restitution of any pecuniary benefits received because  
1027 of the violation committed. The commission may recommend that  
1028 the restitution penalty be paid to the agency of the public  
1029 officer or employee or to the General Revenue Fund.

1030 (e) In the case of a person who is subject to the  
1031 standards of this part, other than a lobbyist or lobbying firm  
1032 under s. 112.3215 for a violation of s. 112.3215, but who is not  
1033 a public officer or employee:

1034 1. Public censure and reprimand.

1035 2. A civil penalty not to exceed \$10,000.

1036 3. Restitution of any pecuniary benefits received because  
1037 of the violation committed. The commission may recommend that  
1038 the restitution penalty be paid to the agency of the person or  
1039 to the General Revenue Fund.

1040 (2) In any case in which the commission finds a violation  
1041 of this part or of s. 8, Art. II of the State Constitution and  
1042 the proper disciplinary official or body under s. 112.324  
1043 imposes a civil penalty or restitution penalty, the Attorney  
1044 General shall bring a civil action to recover such penalty. No  
1045 defense may be raised in the civil action to enforce the civil  
1046 penalty or order of restitution that could have been raised by  
1047 judicial review of the administrative findings and  
1048 recommendations of the commission by certiorari to the district  
1049 court of appeal. The Attorney General shall collect any costs,  
1050 attorney's fees, expert witness fees, or other costs of

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1051 collection incurred in bringing the action.

1052 (3) The penalties prescribed in this part shall not be  
1053 construed to limit or to conflict with:

1054 (a) The power of either house of the Legislature to  
1055 discipline its own members or impeach a public officer.

1056 (b) The power of agencies to discipline officers or  
1057 employees.

1058 (4) Any violation of this part or of s. 8, Art. II of the  
1059 State Constitution by a public officer constitutes ~~shall~~  
1060 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in  
1061 office within the meaning of s. 7, Art. IV of the State  
1062 Constitution.

1063 (5) By order of the Governor, upon recommendation of the  
1064 commission, any elected municipal officer who violates ~~any~~  
1065 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State  
1066 Constitution may be suspended from office and the office filled  
1067 by appointment for the period of suspension. The suspended  
1068 officer may at any time before removal be reinstated by the  
1069 Governor. The Senate may, in proceedings prescribed by law,  
1070 remove from office, or reinstate, the suspended official, and  
1071 for such purpose the Senate may be convened in special session  
1072 by its President or by a majority of its membership.

1073 (6) In any case in which the commission finds probable  
1074 cause to believe that a complainant has committed perjury in  
1075 regard to any document filed with, or any testimony given  
1076 before, the commission, it shall refer such evidence to the  
1077 appropriate law enforcement agency for prosecution and taxation  
1078 of costs.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1079 (7) In any case in which the commission determines that a  
1080 person has filed a complaint against a public officer or  
1081 employee with a malicious intent to injure the reputation of  
1082 such officer or employee by filing the complaint with knowledge  
1083 that the complaint contains one or more false allegations or  
1084 with reckless disregard for whether the complaint contains false  
1085 allegations of fact material to a violation of this part, the  
1086 complainant shall be liable for costs plus reasonable attorney  
1087 ~~attorney's~~ fees incurred in the defense of the person complained  
1088 against, including the costs and reasonable attorney ~~attorney's~~  
1089 fees incurred in proving entitlement to and the amount of costs  
1090 and fees. If the complainant fails to pay such costs and fees  
1091 voluntarily within 30 days following such finding by the  
1092 commission, the commission shall forward such information to the  
1093 Department of Legal Affairs, which shall bring a civil action in  
1094 a court of competent jurisdiction to recover the amount of such  
1095 costs and fees awarded by the commission.

1096 Section 16. Paragraphs (a) and (c) of subsection (8) and  
1097 subsection (10) of section 112.3215, Florida Statutes, are  
1098 amended, present subsections (11) through (14) are renumbered as  
1099 (12) through (15), respectively, and a new subsection (11) is  
1100 added to that section to read:

1101 112.3215 Lobbying before the executive branch or the  
1102 Constitution Revision Commission; registration and reporting;  
1103 investigation by commission.—

1104 (8) (a) The commission shall investigate every sworn  
1105 complaint that is filed with it alleging that a person covered  
1106 by this section has failed to register, has failed to submit a

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

1107 compensation report, has made a prohibited expenditure, or has  
1108 knowingly submitted false information in any report or  
1109 registration required in this section.

1110 (c) The commission shall investigate any lobbying firm,  
1111 lobbyist, principal, agency, officer, or employee upon receipt  
1112 of information from a sworn complaint or from a random audit of  
1113 lobbying reports indicating a possible violation other than a  
1114 late-filed report.

1115 (10) If the Governor and Cabinet finds that a violation  
1116 occurred, it may reprimand the violator, censure the violator,  
1117 or prohibit the violator from lobbying all agencies for a period  
1118 not to exceed 2 years. If the violator is a lobbying firm,  
1119 lobbyist, or principal, the Governor and Cabinet may also assess  
1120 a fine of not more than \$5,000 to be deposited in the Executive  
1121 Branch Lobby Registration Trust Fund.

1122 (11) Any person who is required to be registered or to  
1123 provide information under this section or under rules adopted  
1124 pursuant to this section and who knowingly fails to disclose any  
1125 material fact that is required by this section or by rules  
1126 adopted pursuant to this section, or who knowingly provides  
1127 false information on any report required by this section or by  
1128 rules adopted pursuant to this section, commits a noncriminal  
1129 infraction, punishable by a fine not to exceed \$5,000. Such  
1130 penalty is in addition to any other penalty assessed by the  
1131 Governor and Cabinet pursuant to subsection (10).

1132 Section 17. Section 112.324, Florida Statutes, is amended  
1133 to read:

1134 112.324 Procedures on complaints of violations and

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1135 referrals; public records and meeting exemptions.-

1136 (1) ~~Upon a written complaint executed on a form prescribed~~  
1137 ~~by the commission and signed under oath or affirmation by any~~  
1138 ~~person,~~ The commission shall investigate an any alleged  
1139 violation of this part or ~~any~~ other alleged breach of the public  
1140 trust within the jurisdiction of the commission as provided in  
1141 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~  
1142 ~~procedures set forth herein.~~

1143 (a) Upon a written complaint executed on a form prescribed  
1144 by the commission and signed under oath of affirmation by any  
1145 person; or

1146 (b) Upon receipt of a written referral of a possible  
1147 violation of this part or other possible breach of the public  
1148 trust from the Governor, the Department of Law Enforcement, a  
1149 state attorney, or a United States Attorney which at least six  
1150 members of the commission determine is sufficient to indicate a  
1151 violation of this part or any other breach of the public trust.

1152  
1153 Within 5 days after receipt of a complaint by the commission or  
1154 a determination by at least six members of the commission that  
1155 the referral received is deemed sufficient, a copy shall be  
1156 transmitted to the alleged violator.

1157 (2) (a) The complaint and records relating to the complaint  
1158 or to any preliminary investigation held by the commission or  
1159 its agents, by a Commission on Ethics and Public Trust  
1160 established by any county defined in s. 125.011(1) or by any  
1161 municipality defined in s. 165.031, or by any county or  
1162 municipality that has established a local investigatory process

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1163 to enforce more stringent standards of conduct and disclosure  
1164 requirements as provided in s. 112.326 are confidential and  
1165 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
1166 of the State Constitution.

1167 (b) Any proceeding conducted by the commission, a  
1168 Commission on Ethics and Public Trust, or a county or  
1169 municipality that has established such local investigatory  
1170 process, pursuant to a complaint or preliminary investigation,  
1171 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
1172 the State Constitution, and s. 120.525.

1173 (c) The exemptions in paragraphs (a) and (b) apply until  
1174 the complaint is dismissed as legally insufficient, until the  
1175 alleged violator requests in writing that such records and  
1176 proceedings be made public, or until the commission, a  
1177 Commission on Ethics and Public Trust, or a county or  
1178 municipality that has established such local investigatory  
1179 process determines, based on such investigation, whether  
1180 probable cause exists to believe that a violation has occurred.  
1181 ~~In no event shall~~ A complaint or referral under this part  
1182 against a candidate in any general, special, or primary election  
1183 may not be filed nor may ~~or~~ any intention of filing such a  
1184 complaint or referral be disclosed on the day of any such  
1185 election or within the 30 ~~5~~ days immediately preceding the date  
1186 of the election, unless the complaint or referral is based upon  
1187 personal information or information other than hearsay.

1188 (d) This subsection is subject to the Open Government  
1189 Sunset Review Act in accordance with s. 119.15 and shall stand  
1190 repealed on October 2, 2015, unless reviewed and saved from

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 43 of 67

Amendment No.

1191 repeal through reenactment by the Legislature.

1192 (3) A preliminary investigation shall be undertaken by the  
1193 commission of each legally sufficient complaint or referral over  
1194 which the commission has jurisdiction to determine whether there  
1195 is probable cause to believe that a violation has occurred. If,  
1196 upon completion of the preliminary investigation, the commission  
1197 finds no probable cause to believe that this part has been  
1198 violated or that any other breach of the public trust has been  
1199 committed, the commission shall dismiss the complaint or  
1200 referral with the issuance of a public report to the complainant  
1201 and the alleged violator, stating with particularity its reasons  
1202 for dismissal ~~of the complaint~~. At that time, the complaint or  
1203 referral and all materials relating to the complaint or referral  
1204 shall become a matter of public record. If the commission finds  
1205 from the preliminary investigation probable cause to believe  
1206 that this part has been violated or that any other breach of the  
1207 public trust has been committed, it shall so notify the  
1208 complainant and the alleged violator in writing. Such  
1209 notification and all documents made or received in the  
1210 disposition of the complaint or referral shall then become  
1211 public records. Upon request submitted to the commission in  
1212 writing, any person who the commission finds probable cause to  
1213 believe has violated any provision of this part or has committed  
1214 any other breach of the public trust shall be entitled to a  
1215 public hearing. Such person shall be deemed to have waived the  
1216 right to a public hearing if the request is not received within  
1217 14 days following the mailing of the probable cause notification  
1218 required by this subsection. However, the commission may on its

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 44 of 67

Amendment No.

1219 own motion, require a public hearing, may conduct such further  
1220 investigation as it deems necessary, and may enter into such  
1221 stipulations and settlements as it finds to be just and in the  
1222 best interest of the state. The commission is without  
1223 jurisdiction to, and no respondent may voluntarily or  
1224 involuntarily, enter into a stipulation or settlement which  
1225 imposes any penalty, including, but not limited to, a sanction  
1226 or admonition or any other penalty contained in s. 112.317.  
1227 Penalties shall be imposed only by the appropriate disciplinary  
1228 authority as designated in this section.

1229 (4) If, in cases pertaining to members of the Legislature,  
1230 upon completion of a full and final investigation by the  
1231 commission, the commission finds that there has been a violation  
1232 of this part or of any provision of s. 8, Art. II of the State  
1233 Constitution, the commission shall forward a copy of the  
1234 complaint or referral and its findings by certified mail to the  
1235 President of the Senate or the Speaker of the House of  
1236 Representatives, whichever is applicable, who shall refer the  
1237 complaint or referral to the appropriate committee for  
1238 investigation and action which shall be governed by the rules of  
1239 its respective house. It is ~~shall be~~ the duty of the committee  
1240 to report its final action upon the matter ~~complaint~~ to the  
1241 commission within 90 days of the date of transmittal to the  
1242 respective house. Upon request of the committee, the commission  
1243 shall submit a recommendation as to what penalty, if any, should  
1244 be imposed. In the case of a member of the Legislature, the  
1245 house in which the member serves has ~~shall have~~ the power to  
1246 invoke the penalty provisions of this part.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1247 (5) If, in cases ~~pertaining to complaints~~ against  
1248 impeachable officers, upon completion of a full and final  
1249 investigation by the commission, the commission finds that there  
1250 has been a violation of this part or of any provision of s. 8,  
1251 Art. II of the State Constitution, and the commission finds that  
1252 the violation may constitute grounds for impeachment, the  
1253 commission shall forward a copy of the complaint or referral and  
1254 its findings by certified mail to the Speaker of the House of  
1255 Representatives, who shall refer the complaint or referral to  
1256 the appropriate committee for investigation and action which  
1257 shall be governed by the rules of the House of Representatives.  
1258 It is ~~shall be~~ the duty of the committee to report its final  
1259 action upon the matter ~~complaint~~ to the commission within 90  
1260 days of the date of transmittal.

1261 (6) If the commission finds that there has been a  
1262 violation of this part or of any provision of s. 8, Art. II of  
1263 the State Constitution by an impeachable officer other than the  
1264 Governor, and the commission recommends public censure and  
1265 reprimand, forfeiture of a portion of the officer's salary, a  
1266 civil penalty, or restitution, the commission shall report its  
1267 findings and recommendation of disciplinary action to the  
1268 Governor, who has ~~shall have~~ the power to invoke the penalty  
1269 provisions of this part.

1270 (7) If the commission finds that there has been a  
1271 violation of this part or of any provision of s. 8, Art. II of  
1272 the State Constitution by the Governor, and the commission  
1273 recommends public censure and reprimand, forfeiture of a portion  
1274 of the Governor's salary, a civil penalty, or restitution, the

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 46 of 67

Amendment No.

1275 commission shall report its findings and recommendation of  
1276 disciplinary action to the Attorney General, who shall have the  
1277 power to invoke the penalty provisions of this part.

1278 (8) If, in cases ~~pertaining to complaints~~ other than  
1279 complaints or referrals against impeachable officers or members  
1280 of the Legislature, upon completion of a full and final  
1281 investigation by the commission, the commission finds that there  
1282 has been a violation of this part or of s. 8, Art. II of the  
1283 State Constitution, it is ~~shall be~~ the duty of the commission to  
1284 report its findings and recommend appropriate action to the  
1285 proper disciplinary official or body as follows, and such  
1286 official or body has ~~shall have~~ the power to invoke the penalty  
1287 provisions of this part, including the power to order the  
1288 appropriate elections official to remove a candidate from the  
1289 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.  
1290 II of the State Constitution:

1291 (a) The President of the Senate and the Speaker of the  
1292 House of Representatives, jointly, in any case concerning the  
1293 Public Counsel, members of the Public Service Commission,  
1294 members of the Public Service Commission Nominating Council, the  
1295 Auditor General, or the director of the Office of Program Policy  
1296 Analysis and Government Accountability.

1297 (b) The Supreme Court, in any case concerning an employee  
1298 of the judicial branch.

1299 (c) The President of the Senate, in any case concerning an  
1300 employee of the Senate; the Speaker of the House of  
1301 Representatives, in any case concerning an employee of the House  
1302 of Representatives; or the President and the Speaker, jointly,

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1303 in any case concerning an employee of a committee of the  
1304 Legislature whose members are appointed solely by the President  
1305 and the Speaker or in any case concerning an employee of the  
1306 Public Counsel, Public Service Commission, Auditor General, or  
1307 Office of Program Policy Analysis and Government Accountability.

1308 (d) Except as otherwise provided by this part, the  
1309 Governor, in the case of any other public officer, public  
1310 employee, former public officer or public employee, candidate or  
1311 former candidate, or person who is not a public officer or  
1312 employee, other than lobbyists and lobbying firms under s.  
1313 112.3215 for violations of s. 112.3215.

1314 (e) The President of the Senate or the Speaker of the  
1315 House of Representatives, whichever is applicable, in any case  
1316 concerning a former member of the Legislature who has violated a  
1317 provision applicable to former members or whose violation  
1318 occurred while a member of the Legislature.

1319 (9) In addition to reporting its findings to the proper  
1320 disciplinary body or official, the commission shall report these  
1321 findings to the state attorney or any other appropriate official  
1322 or agency having authority to initiate prosecution when  
1323 violation of criminal law is indicated.

1324 (10) Notwithstanding the foregoing procedures of this  
1325 section, a sworn complaint against any member or employee of the  
1326 Commission on Ethics for violation of this part or of s. 8, Art.  
1327 II of the State Constitution shall be filed with the President  
1328 of the Senate and the Speaker of the House of Representatives.  
1329 Each presiding officer shall, after determining that there are  
1330 sufficient grounds for review, appoint three members of their

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

1331 respective bodies to a special joint committee who shall  
1332 investigate the complaint. The members shall elect a chair from  
1333 among their number. If the special joint committee finds  
1334 insufficient evidence to establish probable cause to believe a  
1335 violation of this part or of s. 8, Art. II of the State  
1336 Constitution has occurred, it shall dismiss the complaint. If,  
1337 upon completion of its preliminary investigation, the committee  
1338 finds sufficient evidence to establish probable cause to believe  
1339 a violation has occurred, the chair thereof shall transmit such  
1340 findings to the Governor who shall convene a meeting of the  
1341 Governor, the President of the Senate, the Speaker of the House  
1342 of Representatives, and the Chief Justice of the Supreme Court  
1343 to take such final action on the complaint as they shall deem  
1344 appropriate, consistent with the penalty provisions of this  
1345 part. Upon request of a majority of the Governor, the President  
1346 of the Senate, the Speaker of the House of Representatives, and  
1347 the Chief Justice of the Supreme Court, the special joint  
1348 committee shall submit a recommendation as to what penalty, if  
1349 any, should be imposed.

1350 (11) (a) Notwithstanding subsections (1)-(8), the  
1351 commission may dismiss any complaint or referral at any stage of  
1352 disposition if it determines that the violation that is alleged  
1353 or has occurred is a de minimis violation attributable to  
1354 inadvertent or unintentional error. In determining whether a  
1355 violation was de minimis, the commission shall consider whether  
1356 the interests of the public were protected despite the  
1357 violation. This subsection does not apply to complaints or  
1358 referrals pursuant to ss. 112.3144 and 112.3145.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1359        (b) For the purposes of this subsection, a de minimis  
1360 violation is any violation that is unintentional and not  
1361 material in nature.

1362        ~~(12)-(11)~~ Notwithstanding the provisions of subsections  
1363 (1)-(8), the commission may, at its discretion, dismiss any  
1364 complaint or referral at any stage of disposition should it  
1365 determine that the public interest would not be served by  
1366 proceeding further, in which case the commission shall issue a  
1367 public report stating with particularity its reasons for the  
1368 dismissal.

1369        Section 18. For the purpose of incorporating the amendment  
1370 made by this act to section 112.3143, Florida Statutes, in a  
1371 reference thereto, subsection (1) of section 120.665, Florida  
1372 Statutes, is reenacted to read:

1373        120.665 Disqualification of agency personnel.—

1374        (1) Notwithstanding the provisions of s. 112.3143, any  
1375 individual serving alone or with others as an agency head may be  
1376 disqualified from serving in an agency proceeding for bias,  
1377 prejudice, or interest when any party to the agency proceeding  
1378 shows just cause by a suggestion filed within a reasonable  
1379 period of time prior to the agency proceeding. If the  
1380 disqualified individual was appointed, the appointing power may  
1381 appoint a substitute to serve in the matter from which the  
1382 individual is disqualified. If the individual is an elected  
1383 official, the Governor may appoint a substitute to serve in the  
1384 matter from which the individual is disqualified. However, if a  
1385 quorum remains after the individual is disqualified, it shall  
1386 not be necessary to appoint a substitute.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1387 Section 19. For the purpose of incorporating the amendment  
1388 made by this act to section 112.3143, Florida Statutes, in a  
1389 reference thereto, section 286.012, Florida Statutes, is  
1390 reenacted to read:

1391 286.012 Voting requirement at meetings of governmental  
1392 bodies.—No member of any state, county, or municipal  
1393 governmental board, commission, or agency who is present at any  
1394 meeting of any such body at which an official decision, ruling,  
1395 or other official act is to be taken or adopted may abstain from  
1396 voting in regard to any such decision, ruling, or act; and a  
1397 vote shall be recorded or counted for each such member present,  
1398 except when, with respect to any such member, there is, or  
1399 appears to be, a possible conflict of interest under the  
1400 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such  
1401 cases, said member shall comply with the disclosure requirements  
1402 of s. 112.3143.

1403 Section 20. For the purpose of incorporating the amendment  
1404 made by this act to section 112.324, Florida Statutes, in a  
1405 reference thereto, section 287.175, Florida Statutes, is  
1406 reenacted to read:

1407 287.175 Penalties.—A violation of this part or a rule  
1408 adopted hereunder, pursuant to applicable constitutional and  
1409 statutory procedures, constitutes misuse of public position as  
1410 defined in s. 112.313(6), and is punishable as provided in s.  
1411 112.317. The Chief Financial Officer shall report incidents of  
1412 suspected misuse to the Commission on Ethics, and the commission  
1413 shall investigate possible violations of this part or rules  
1414 adopted hereunder when reported by the Chief Financial Officer,

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1415 notwithstanding the provisions of s. 112.324. Any violation of  
1416 this part or a rule adopted hereunder shall be presumed to have  
1417 been committed with wrongful intent, but such presumption is  
1418 rebuttable. Nothing in this section is intended to deny rights  
1419 provided to career service employees by s. 110.227.

1420 Section 21. Paragraph (c) of subsection (1) of section  
1421 288.901, Florida Statutes, is amended to read:

1422 288.901 Enterprise Florida, Inc.—

1423 (1) CREATION.—

1424 (c) The Legislature determines that it is in the public  
1425 interest for the members of Enterprise Florida, Inc., board of  
1426 directors to be subject to the requirements of ss. 112.3135,  
1427 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),  
1428 notwithstanding the fact that the board members are not public  
1429 officers or employees. For purposes of those sections, the board  
1430 members shall be considered to be public officers or employees.  
1431 The exemption set forth in s. 112.313(12) for advisory boards  
1432 applies to the members of Enterprise Florida, Inc., board of  
1433 directors. Further, each member of the board of directors who is  
1434 not otherwise required to file financial disclosures pursuant to  
1435 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
1436 file disclosure of financial interests pursuant to s. 112.3145.

1437 Section 22. Subsection (1) of section 445.007, Florida  
1438 Statutes, is reenacted for the purpose of incorporating the  
1439 amendment made by this act to section 112.3143, Florida  
1440 Statutes, in a reference thereto, and subsection (11) of that  
1441 section is amended, to read:

1442 445.007 Regional workforce boards.—

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1443 (1) One regional workforce board shall be appointed in  
1444 each designated service delivery area and shall serve as the  
1445 local workforce investment board pursuant to Pub. L. No. 105-  
1446 220. The membership of the board shall be consistent with Pub.  
1447 L. No. 105-220, Title I, s. 117(b) but may not exceed the  
1448 minimum membership required in Pub. L. No. 105-220, Title I, s.  
1449 117(b) (2) (A) and in this subsection. Upon approval by the  
1450 Governor, the chief elected official may appoint additional  
1451 members above the limit set by this subsection. If a public  
1452 education or training provider is represented on the board, a  
1453 representative of a private nonprofit provider and a  
1454 representative of a private for-profit provider must also be  
1455 appointed to the board. The board shall include one nonvoting  
1456 representative from a military installation if a military  
1457 installation is located within the region and the appropriate  
1458 military command or organization authorizes such representation.  
1459 It is the intent of the Legislature that membership of a  
1460 regional workforce board include persons who are current or  
1461 former recipients of welfare transition assistance as defined in  
1462 s. 445.002(2) or workforce services as provided in s. 445.009(1)  
1463 or that such persons be included as ex officio members of the  
1464 board or of committees organized by the board. The importance of  
1465 minority and gender representation shall be considered when  
1466 making appointments to the board. The board, its committees,  
1467 subcommittees, and subdivisions, and other units of the  
1468 workforce system, including units that may consist in whole or  
1469 in part of local governmental units, may use any method of  
1470 telecommunications to conduct meetings, including establishing a

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1471 quorum through telecommunications, provided that the public is  
1472 given proper notice of the telecommunications meeting and  
1473 reasonable access to observe and, when appropriate, participate.  
1474 Regional workforce boards are subject to chapters 119 and 286  
1475 and s. 24, Art. I of the State Constitution. If the regional  
1476 workforce board enters into a contract with an organization or  
1477 individual represented on the board of directors, the contract  
1478 must be approved by a two-thirds vote of the board, a quorum  
1479 having been established, and the board member who could benefit  
1480 financially from the transaction must abstain from voting on the  
1481 contract. A board member must disclose any such conflict in a  
1482 manner that is consistent with the procedures outlined in s.  
1483 112.3143. Each member of a regional workforce board who is not  
1484 otherwise required to file a full and public disclosure of  
1485 financial interests pursuant to s. 8, Art. II of the State  
1486 Constitution or s. 112.3144 shall file a statement of financial  
1487 interests pursuant to s. 112.3145. The executive director or  
1488 designated person responsible for the operational and  
1489 administrative functions of the regional workforce board who is  
1490 not otherwise required to file a full and public disclosure of  
1491 financial interests pursuant to s. 8, Art. II of the State  
1492 Constitution or s. 112.3144 shall file a statement of financial  
1493 interests pursuant to s. 112.3145.

1494 (11) To increase transparency and accountability, a  
1495 regional workforce board must comply with the requirements of  
1496 this section before contracting with a member of the board or a  
1497 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a  
1498 board member or of an employee of the board. Such contracts may

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1499 not be executed before or without the approval of Workforce  
1500 Florida, Inc. Such contracts, as well as documentation  
1501 demonstrating adherence to this section as specified by  
1502 Workforce Florida, Inc., must be submitted to the Department of  
1503 Economic Opportunity for review and recommendation according to  
1504 criteria to be determined by Workforce Florida, Inc. Such a  
1505 contract must be approved by a two-thirds vote of the board, a  
1506 quorum having been established; all conflicts of interest must  
1507 be disclosed before the vote; and any member who may benefit  
1508 from the contract, or whose relative may benefit from the  
1509 contract, must abstain from the vote. A contract under \$25,000  
1510 between a regional workforce board and a member of that board or  
1511 between a relative, as defined in s. 112.3143(1)(c)  
1512 ~~112.3143(1)(b)~~, of a board member or of an employee of the board  
1513 is not required to have the prior approval of Workforce Florida,  
1514 Inc., but must be approved by a two-thirds vote of the board, a  
1515 quorum having been established, and must be reported to the  
1516 Department of Economic Opportunity and Workforce Florida, Inc.,  
1517 within 30 days after approval. If a contract cannot be approved  
1518 by Workforce Florida, Inc., a review of the decision to  
1519 disapprove the contract may be requested by the regional  
1520 workforce board or other parties to the disapproved contract.

1521 Section 23. For the purpose of incorporating the amendment  
1522 made by this act to section 112.3143, Florida Statutes, in a  
1523 reference thereto, paragraph (m) of subsection (5) of section  
1524 627.311, Florida Statutes, is reenacted to read:

1525 627.311 Joint underwriters and joint reinsurers; public  
1526 records and public meetings exemptions.—

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1527 (5)

1528 (m) Senior managers and officers, as defined in the plan  
1529 of operation, and members of the board of governors are subject  
1530 to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
1531 112.316, and 112.317. Senior managers, officers, and board  
1532 members are also required to file such disclosures with the  
1533 Commission on Ethics and the Office of Insurance Regulation. The  
1534 executive director of the plan or his or her designee shall  
1535 notify each newly appointed and existing appointed member of the  
1536 board of governors, senior manager, and officer of his or her  
1537 duty to comply with the reporting requirements of s. 112.3145.  
1538 At least quarterly, the executive director of the plan or his or  
1539 her designee shall submit to the Commission on Ethics a list of  
1540 names of the senior managers, officers, and members of the board  
1541 of governors who are subject to the public disclosure  
1542 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
1543 employee, officer, owner, or director of an insurance agency,  
1544 insurance company, or other insurance entity may be a member of  
1545 the board of governors unless such employee, officer, owner, or  
1546 director of an insurance agency, insurance company, other  
1547 insurance entity, or an affiliate provides policy issuance,  
1548 policy administration, underwriting, claims handling, or payroll  
1549 audit services. Notwithstanding s. 112.3143, such board member  
1550 may not participate in or vote on a matter if the insurance  
1551 agency, insurance company, or other insurance entity would  
1552 obtain a special or unique benefit that would not apply to other  
1553 similarly situated insurance entities.

1554 Section 24. For the purpose of incorporating the amendment

005347

Approved For Filing: 4/23/2013 1:48:13 PM



Amendment No.

1555 made to this act to section 112.3143, Florida Statutes, in a  
1556 reference thereto, paragraph (d) of subsection (6) of section  
1557 627.351, Florida Statutes, is reenacted to read:

1558 627.351 Insurance risk apportionment plans.—

1559 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1560 (d)1. All prospective employees for senior management  
1561 positions, as defined by the plan of operation, are subject to  
1562 background checks as a prerequisite for employment. The office  
1563 shall conduct the background checks pursuant to ss. 624.34,  
1564 624.404(3), and 628.261.

1565 2. On or before July 1 of each year, employees of the  
1566 corporation must sign and submit a statement attesting that they  
1567 do not have a conflict of interest, as defined in part III of  
1568 chapter 112. As a condition of employment, all prospective  
1569 employees must sign and submit to the corporation a conflict-of-  
1570 interest statement.

1571 3. Senior managers and members of the board of governors  
1572 are subject to part III of chapter 112, including, but not  
1573 limited to, the code of ethics and public disclosure and  
1574 reporting of financial interests, pursuant to s. 112.3145.  
1575 Notwithstanding s. 112.3143(2), a board member may not vote on  
1576 any measure that would inure to his or her special private gain  
1577 or loss; that he or she knows would inure to the special private  
1578 gain or loss of any principal by whom he or she is retained or  
1579 to the parent organization or subsidiary of a corporate  
1580 principal by which he or she is retained, other than an agency  
1581 as defined in s. 112.312; or that he or she knows would inure to  
1582 the special private gain or loss of a relative or business

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 57 of 67

Amendment No.

1583 associate of the public officer. Before the vote is taken, such  
1584 member shall publicly state to the assembly the nature of his or  
1585 her interest in the matter from which he or she is abstaining  
1586 from voting and, within 15 days after the vote occurs, disclose  
1587 the nature of his or her interest as a public record in a  
1588 memorandum filed with the person responsible for recording the  
1589 minutes of the meeting, who shall incorporate the memorandum in  
1590 the minutes. Senior managers and board members are also required  
1591 to file such disclosures with the Commission on Ethics and the  
1592 Office of Insurance Regulation. The executive director of the  
1593 corporation or his or her designee shall notify each existing  
1594 and newly appointed member of the board of governors and senior  
1595 managers of their duty to comply with the reporting requirements  
1596 of part III of chapter 112. At least quarterly, the executive  
1597 director or his or her designee shall submit to the Commission  
1598 on Ethics a list of names of the senior managers and members of  
1599 the board of governors who are subject to the public disclosure  
1600 requirements under s. 112.3145.

1601 4. Notwithstanding s. 112.3148 or s. 112.3149, or any  
1602 other provision of law, an employee or board member may not  
1603 knowingly accept, directly or indirectly, any gift or  
1604 expenditure from a person or entity, or an employee or  
1605 representative of such person or entity, which has a contractual  
1606 relationship with the corporation or who is under consideration  
1607 for a contract. An employee or board member who fails to comply  
1608 with subparagraph 3. or this subparagraph is subject to  
1609 penalties provided under ss. 112.317 and 112.3173.

1610 5. Any senior manager of the corporation who is employed

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Amendment No.

1611 on or after January 1, 2007, regardless of the date of hire, who  
1612 subsequently retires or terminates employment is prohibited from  
1613 representing another person or entity before the corporation for  
1614 2 years after retirement or termination of employment from the  
1615 corporation.

1616 6. Any senior manager of the corporation who is employed  
1617 on or after January 1, 2007, regardless of the date of hire, who  
1618 subsequently retires or terminates employment is prohibited from  
1619 having any employment or contractual relationship for 2 years  
1620 with an insurer that has entered into a take-out bonus agreement  
1621 with the corporation.

1622 Section 25. This act shall take effect upon becoming a  
1623 law.

1624  
1625 -----

**T I T L E A M E N D M E N T**

1627 Remove everything before the enacting clause and insert:

1628 A bill to be entitled

1629 An act relating to ethics; amending s. 112.312, F.S.;  
1630 revising the definitions of "business entity" and  
1631 "gift"; creating s. 112.3125, F.S.; defining the term  
1632 "public officer"; prohibiting public officers from  
1633 accepting additional employment with the state or any  
1634 of its political subdivisions under specified  
1635 conditions; amending s. 112.313, F.S.; prohibiting a  
1636 former legislator from acting as a lobbyist before an  
1637 executive branch agency, agency official, or employee  
1638 for a specified period following vacation of office;

005347

Amendment No.

1639 providing definitions; creating s. 112.3142, F.S.;

1640 defining the term "constitutional officers"; requiring

1641 constitutional officers to complete annual ethics

1642 training; specifying requirements for ethics training;

1643 requiring the commission to adopt rules to establish

1644 minimum course content; requiring each house of the

1645 Legislature to provide for ethics training pursuant to

1646 its rules; creating s. 112.31425, F.S.; providing

1647 legislative findings; providing that holding an

1648 economic interest in a qualified blind trust is not a

1649 prohibited conflict of interest; providing that a

1650 public officer may not attempt to influence, exercise

1651 control of, or obtain information regarding the

1652 holdings of the qualified blind trust; prohibiting

1653 communication regarding the qualified blind trust

1654 between a public officer or a person having a

1655 beneficial interest in the trust and the trustee;

1656 providing exceptions; requiring a public officer to

1657 report the qualified blind trust and its value on his

1658 or her financial disclosure form under specified

1659 circumstances; establishing requirements for creation

1660 of a qualified blind trust; requiring a public officer

1661 who holds a qualified blind trust to file a notice

1662 with the Commission on Ethics; requiring a covered

1663 public official to file an amendment to his or her

1664 most recent financial disclosure statement under

1665 specified conditions; amending s. 112.3143, F.S.;

1666 providing definitions; requiring state public officers

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 60 of 67

Amendment No.

1667 to abstain from voting on any matter that the officer  
1668 knows would inure to his or her special private gain  
1669 or loss; requiring that a memorandum filed after a  
1670 vote be filed no later than 15 days after the vote;  
1671 providing that a member of the Legislature satisfies  
1672 the disclosure requirement by filing a form created  
1673 pursuant to the rules of his or her respective house;  
1674 providing that confidential or privileged information  
1675 need not be disclosed; amending s. 112.3144, F.S. ;  
1676 requiring the qualifying officer to electronically  
1677 transmit a full and public disclosure of financial  
1678 interests of a qualified candidate to the commission;  
1679 providing timeframes for the filing of certain  
1680 complaints; authorizing filing individuals to file an  
1681 amended statement during a specified timeframe under  
1682 specified conditions; authorizing the commission to  
1683 immediately follow complaint procedures under  
1684 specified conditions; prohibiting the commission from  
1685 taking action on complaints alleging immaterial,  
1686 inconsequential, or de minimis errors or omissions;  
1687 providing what constitutes an immaterial,  
1688 inconsequential, or de minimis error or omission;  
1689 authorizing an individual required to file a  
1690 disclosure to have the statement prepared by an  
1691 attorney or a certified public accountant; requiring  
1692 an attorney or certified public accountant to sign the  
1693 completed disclosure form to indicate compliance with  
1694 applicable requirements and that the disclosure is

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 61 of 67

Amendment No.

1695 true and correct based on reasonable knowledge and  
1696 belief; providing circumstances under which the  
1697 commission must determine if an attorney or a  
1698 certified public accountant failed to disclose  
1699 information provided by the filing individual on the  
1700 filed statement; providing that the failure of the  
1701 attorney or certified public accountant to accurately  
1702 transcribe information provided by the filing  
1703 individual does not constitute a violation;  
1704 authorizing an elected officer or candidate to use  
1705 funds in an office account or campaign depository to  
1706 pay an attorney or certified public accountant for  
1707 preparing a disclosure; creating s. 112.31445, F.S.;  
1708 providing a definition for "electronic filing system";  
1709 requiring all disclosures of financial interests filed  
1710 with the commission to be scanned and made publicly  
1711 available on a searchable Internet database beginning  
1712 with the 2012 filing year; requiring the commission to  
1713 submit a proposal to the President of the Senate and  
1714 the Speaker of the House of Representatives for a  
1715 mandatory electronic filing system by a specified  
1716 date; establishing minimum requirements for the  
1717 commission's proposal; amending s. 112.3145, F.S.;  
1718 revising the definitions of "local officer" and  
1719 "specified state employee"; revising procedures for  
1720 the filing of a statement of financial interests with  
1721 a candidate's qualifying papers; requiring a person  
1722 filing a statement of financial interest to indicate

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 62 of 67

Amendment No.

1723 the method of reporting income; providing timeframes  
1724 for the filing of certain complaints; authorizing  
1725 filing individuals to file an amended statement during  
1726 a specified timeframe under specified conditions;  
1727 authorizing the commission to immediately follow  
1728 complaint procedures under specified conditions;  
1729 prohibiting the commission from taking action on  
1730 complaints alleging immaterial, inconsequential, or de  
1731 minimis errors or omissions; providing what  
1732 constitutes an immaterial, inconsequential, or de  
1733 minimis error or omission; authorizing an individual  
1734 required to file a disclosure to have the statement  
1735 prepared by an attorney or a certified public  
1736 accountant; requiring an attorney or certified public  
1737 accountant to sign the completed disclosure form to  
1738 indicate compliance with applicable requirements and  
1739 that the disclosure is true and correct based on  
1740 reasonable knowledge and belief; providing  
1741 circumstances under which the commission must  
1742 determine if an attorney or a certified public  
1743 accountant failed to disclose information provided by  
1744 the filing individual on the filed statement;  
1745 providing that the failure of the attorney or  
1746 certified public accountant to accurately transcribe  
1747 information provided by the filing individual does not  
1748 constitute a violation; authorizing an elected officer  
1749 or candidate to use funds in an office account or  
1750 campaign depository to pay an attorney or certified

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 63 of 67

Amendment No.

1751 public accountant for preparing a disclosure; creating  
1752 s. 112.31455, F.S.; requiring the commission to  
1753 attempt to determine whether an individual owing  
1754 certain fines is a current public officer or public  
1755 employee; authorizing the commission to notify the  
1756 Chief Financial Officer or the governing body of a  
1757 county, municipality, or special district of the total  
1758 amount of any fine owed to the commission by such  
1759 individuals; requiring that the Chief Financial  
1760 Officer or the governing body of a county,  
1761 municipality, or special district begin withholding  
1762 portions of any salary payment that would otherwise be  
1763 paid to the current public officer or public employee;  
1764 requiring that the withheld payments be remitted to  
1765 the commission until the fine is satisfied;  
1766 authorizing the Chief Financial Officer or the  
1767 governing body to retain a portion of payment for  
1768 administrative costs; authorizing collection methods  
1769 for the commission or the Department of Financial  
1770 Services for individuals who are no longer public  
1771 officers or public employees; authorizing the  
1772 commission to contract with a collection agency;  
1773 authorizing a collection agency to utilize collection  
1774 methods authorized by law; authorizing the commission  
1775 to collect an unpaid fine within a specified period of  
1776 issuance of the final order; amending s. 112.3147,  
1777 F.S.; providing an exception to the requirement that  
1778 all forms be prescribed by the commission; amending s.

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 64 of 67



Amendment No.

1779 112.3148, F.S.; revising the definition of  
1780 "procurement employee"; creating a definition for  
1781 "vendor"; prohibiting a reporting individual or  
1782 procurement employee from soliciting or knowingly  
1783 accepting a gift from a vendor; deleting references to  
1784 committees of continuous existence; creating s.  
1785 112.31485, F.S.; providing definitions for "gift" and  
1786 "immediate family"; prohibiting a reporting individual  
1787 or procurement employee or a member of his or her  
1788 immediate family from soliciting or knowingly  
1789 accepting any gift from a political committee;  
1790 prohibiting a political committee from giving any gift  
1791 to a reporting individual or procurement employee or a  
1792 member of his or her immediate family; providing  
1793 penalties for a violation; requiring that individuals  
1794 who violate this section be held personally liable;  
1795 amending s. 112.3149, F.S.; revising the definition of  
1796 "procurement employee"; defining the term "vendor";  
1797 prohibiting a reporting individual or procurement  
1798 employee from knowingly accepting an honorarium from a  
1799 vendor; prohibiting a vendor from giving an honorarium  
1800 to a reporting individual or procurement employee;  
1801 amending s. 112.317, F.S.; making technical changes;  
1802 amending s. 112.3215, F.S.; authorizing the commission  
1803 to investigate sworn complaints alleging a prohibited  
1804 expenditure; authorizing the commission to investigate  
1805 a lobbyist or principal upon a sworn complaint or  
1806 random audit; authorizing the Governor and Cabinet to

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 65 of 67

Amendment No.

1807 assess a fine on a lobbyist or principal under  
1808 specified conditions; providing a civil penalty;  
1809 amending s. 112.324, F.S.; authorizing specified  
1810 parties to submit written referrals of a possible  
1811 violation of the Code of Ethics for Public Officers  
1812 and Employees or other possible breaches of the public  
1813 trust to the Commission on Ethics; establishing  
1814 procedures for the receipt of written referrals by the  
1815 commission; extending the period in which the  
1816 disclosure of the intent to file or the filing of a  
1817 complaint against a candidate is prohibited; providing  
1818 exceptions; authorizing the commission to dismiss a  
1819 complaint of a de minimis violation; providing  
1820 exceptions; defining a de minimis violation;  
1821 reenacting s. 120.665, F.S., relating to  
1822 disqualification of agency personnel, to incorporate  
1823 the amendments to s. 112.3143, F.S., in a reference  
1824 thereto; reenacting s. 286.012, F.S., relating to  
1825 voting requirements at meetings of governmental  
1826 bodies, to incorporate the amendments made to s.  
1827 112.3143, F.S., in a reference thereto; reenacting s.  
1828 287.175, F.S., relating to penalties, to incorporate  
1829 the amendments made to s. 112.324, F.S., in a  
1830 reference thereto; amending s. 288.901, F.S.;  
1831 conforming a cross-reference; amending s. 445.007,  
1832 F.S., and reenacting subsection (1) of that section,  
1833 relating to regional workforce boards, to incorporate  
1834 the amendments made to s. 112.3143, F.S., in a

005347

Approved For Filing: 4/23/2013 1:48:13 PM

Page 66 of 67

Amendment No.

1835 reference thereto; conforming cross-references;  
1836 reenacting s. 627.311(5)(m), F.S., relating to joint  
1837 underwriters and joint reinsurers, to incorporate the  
1838 amendments made to s. 112.3143, F.S., in a reference  
1839 thereto; reenacting s. 627.351(6)(d), F.S., relating  
1840 to Citizens Property Insurance Corporation, to  
1841 incorporate the amendments made to s. 112.3143, F.S.;  
1842 providing an effective date.