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595-01580A-13

Proposed Committee Substitute by the Committee on Rules

A bill to be entitled

An act relating to ethics; amending s. 112.312, F.S.;
revising definitions; creating s. 112.3125, F.S.;
defining the term "public officer"; prohibiting public
officers from accepting additional employment with the
state or any of its political subdivisions under
specified conditions; amending s. 112.313, F.S.;
providing that a member of the Legislature may not
personally represent another person or entity for
compensation before any state agency for a period of 2
years following vacation of office; providing
exceptions; providing that no member of the
Legislature may associate as a partner, principal, or
employee of a firm whose primary purpose is lobbying
the Legislature within the first 2 years after
vacation of office under specified conditions;
establishing filing requirements for a sworn
statement; creating s. 112.3142, F.S.; defining the
term "constitutional officers"; requiring
constitutional officers to complete annual ethics
training; specifying requirements for ethics training;
requiring each house of the Legislature to provide for
ethics training pursuant to its rules; creating s.
112.31425, F.S.; providing legislative findings;
providing that holding an economic interest in a
qualified blind trust is not a prohibited conflict of
interest; providing that a public officer may not
attempt to influence, exercise control of, or obtain



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



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58 certain complaints; authorizing filing individuals to
59 file an amended statement during a specified timeframe
60 under specified conditions; authorizing the commission
61 to immediately follow complaint procedures under
62 specified conditions; prohibiting the commission from
63 taking action on complaints alleging immaterial,
64 inconsequential, or de minimis errors or omissions;
65 providing what constitutes an immaterial,
66 inconsequential, or de minimis error or omission;
67 authorizing an individual required to file a
68 disclosure to have the statement prepared by a
69 certified public accountant; requiring a certified
70 public accountant to attest to the veracity of the
71 disclosure; requiring the commission to determine if a
72 certified public accountant failed to disclose
73 information provided by the filing individual on the
74 filed statement; providing that the filing individual
75 is not in violation of the section if a certified
76 public accountant was in custody of such information
77 but failed to disclose it on the statement;
78 authorizing an elected officer or candidate to use
79 funds in an office account or campaign depository to
80 pay a certified public accountant for preparing a
81 disclosure; creating s. 112.31445, F.S.; providing a
82 definition for "electronic filing system"; requiring
83 all disclosures of financial interests filed with the
84 commission to be scanned and made publicly available
85 on a searchable Internet database beginning with the
86 2012 filing year; requiring the commission to submit a



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87 proposal to the President of the Senate and the
88 Speaker of the House of Representatives for a
89 mandatory electronic filing system by a specified
90 date; establishing minimum requirements for the
91 commission's proposal; amending s. 112.3145, F.S.;
92 revising the definitions of "local officer" and
93 "specified state employee"; revising procedures for
94 the filing of a statement of financial interests with
95 a candidate's qualifying papers; requiring a person
96 filing a statement of financial interest to indicate
97 the method of reporting income; providing timeframes
98 for the filing of certain complaints; authorizing
99 filing individuals to file an amended statement during
100 a specified timeframe under specified conditions;
101 authorizing the commission to immediately follow
102 complaint procedures under specified conditions;
103 prohibiting the commission from taking action on
104 complaints alleging immaterial, inconsequential, or de
105 minimis errors or omissions; providing what
106 constitutes an immaterial, inconsequential, or de
107 minimis error or omission; authorizing an individual
108 required to file a disclosure to have the statement
109 prepared by a certified public accountant; requiring a
110 certified public accountant to attest to the veracity
111 of the disclosure; requiring the commission to
112 determine if a certified public accountant failed to
113 disclose information provided by the filing individual
114 on the filed statement; providing that the filing
115 individual is not in violation of the section if a



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116 certified public accountant was in custody of such
117 information but failed to disclose it on the
118 statement; authorizing an elected officer or candidate
119 to use funds in an office account or campaign
120 depository to pay a certified public accountant for
121 preparing a disclosure; creating s. 112.31455, F.S.;
122 requiring the commission to determine whether an
123 individual owing certain fines is a current public
124 officer or public employee; requiring the commission
125 to notify the Chief Financial Officer or the governing
126 body of a county, municipality, or special district of
127 the total amount of any fine owed to the commission by
128 such individuals; requiring that the Chief Financial
129 Officer or the governing body of a county,
130 municipality, or special district begin withholding
131 portions of any salary payment that would otherwise be
132 paid to the current public officer or public employee;
133 requiring that the withheld payments be remitted to
134 the commission until the fine is satisfied;
135 authorizing the Chief Financial Officer or the
136 governing body to retain a portion of payment for
137 administrative costs; authorizing collection methods
138 for the commission or the Department of Financial
139 Services for individuals who are no longer public
140 officers or public employees; authorizing the
141 commission to contract with a collection agency;
142 authorizing the commission to collect an unpaid fine
143 within a specified period of issuance of the final
144 order; amending s. 112.3147, F.S.; providing an



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145 exception to the requirement that all forms be
146 prescribed by the commission; amending s. 112.3148,
147 F.S.; revising the definition of "procurement
148 employee"; creating a definition for "vendor";
149 prohibiting a reporting individual or procurement
150 employee from soliciting or knowingly accepting a gift
151 from a vendor; deleting references to political
152 committees and committees of continuous existence;
153 creating s. 112.31485, F.S.; providing definitions for
154 "gift" and "immediate family"; prohibiting a reporting
155 individual or procurement employee or a member of his
156 or her immediate family from soliciting or knowingly
157 accepting any gift from a political committee or
158 committee of continuous existence; prohibiting a
159 political committee or committee of continuous
160 existence from giving any gift to a reporting
161 individual or procurement employee or a member of his
162 or her immediate family; providing penalties for a
163 violation; requiring that individuals who violate this
164 section be held personally liable; amending s.
165 112.3149, F.S.; revising the definition of
166 "procurement employee"; creating a definition for
167 "vendor"; prohibiting a reporting individual or
168 procurement employee from knowingly accepting an
169 honorarium from a vendor; prohibiting a vendor from
170 giving an honorarium to a reporting individual or
171 procurement employee; amending s. 112.317, F.S.;
172 making technical changes; amending s. 112.3215, F.S.;
173 authorizing the commission to investigate sworn



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174 complaints alleging a prohibited expenditure;
175 authorizing the commission to investigate a lobbyist
176 or principal upon a sworn complaint or random audit;
177 authorizing the Governor and Cabinet to assess a fine
178 on a lobbyist or principal under specified conditions;
179 providing a civil penalty; amending s. 112.324, F.S.;
180 authorizing specified parties to submit written
181 referrals of a possible violation of the Code of
182 Ethics for Public Officers and Employees or other
183 possible breaches of the public trust to the
184 Commission on Ethics; establishing procedures for the
185 receipt of written referrals by the commission;
186 extending the period in which the disclosure of the
187 intent to file or the filing of a complaint against a
188 candidate is prohibited; providing exceptions;
189 requiring the commission to dismiss a complaint of a
190 de minimis violation; providing exceptions; defining a
191 de minimis violation; reenacting s. 120.665, F.S.,
192 relating to disqualification of agency personnel, to
193 incorporate the amendments to s. 112.3143, F.S., in a
194 reference thereto; reenacting s. 286.012, F.S.,
195 relating to voting requirements at meetings of
196 governmental bodies, to incorporate the amendments
197 made to s. 112.3143, F.S., in a reference thereto;
198 reenacting s. 287.175, F.S., relating to penalties, to
199 incorporate the amendments made to s. 112.324, F.S.,
200 in a reference thereto; amending s. 288.901, F.S.;
201 correcting a cross-reference; amending s. 445.007,
202 F.S., and reenacting subsection (1) of that section,



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

213

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

215

216 Section 1. Subsection (5) and paragraph (b) of subsection
217 (12) of section 112.312, Florida Statutes, is amended to read:

218 112.312 Definitions.—As used in this part and for purposes
219 of the provisions of s. 8, Art. II of the State Constitution,
220 unless the context otherwise requires:

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

226 (12)

227 (b) "Gift" does not include:

228 1. Salary, benefits, services, fees, commissions, gifts, or
229 expenses associated primarily with the donee's employment,
230 business, or service as an officer or director of a corporation
231 or organization.



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

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

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

244 5. An honorary membership in a service or fraternal
245 organization presented merely as a courtesy by such
246 organization.

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

249 7. Transportation provided to a public officer or employee
250 by an agency in relation to officially approved governmental
251 business.

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

259 Section 2. Section 112.3125, Florida Statutes, is created
260 to read:



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261 112.3125 Dual public employment.-

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

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

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

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

277 2. The position was publicly advertised;

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

280 4. The public officer meets or exceeds the required
281 qualifications for the position.

282 (4) A person who was employed by the state or any of its
283 political subdivisions before qualifying as a public officer for
284 his or her current term of office or the next available term of
285 office may continue his or her employment. However, he or she
286 may not accept promotion, advancement, additional compensation,
287 or anything of value that he or she knows, or with the exercise
288 of reasonable care should know, is provided or given as a result
289 of his or her election or position, or that is otherwise



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290 inconsistent with the promotion, advancement, additional
291 compensation, or anything of value provided or given an employee
292 who is similarly situated.

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

295 Section 3. Paragraph (a) of subsection (9) of section
296 112.313, Florida Statutes, is amended to read:

297 112.313 Standards of conduct for public officers, employees
298 of agencies, and local government attorneys.—

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

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

306 2. As used in this paragraph:

307 a. "Employee" means:

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

314 (II) The Auditor General, the director of the Office of
315 Program Policy Analysis and Government Accountability, the
316 Sergeant at Arms and Secretary of the Senate, and the Sergeant
317 at Arms and Clerk of the House of Representatives.

318 (III) The executive director and deputy executive director



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319 of the Commission on Ethics.

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

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

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

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

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

347 3. No member of the Legislature, appointed state officer,



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348 or statewide elected officer shall personally represent another
349 person or entity for compensation before the government body or
350 agency of which the individual was an officer or member for a
351 period of 2 years following vacation of office. No member of the
352 Legislature shall personally represent another person or entity
353 for compensation during his or her term of office, or for a
354 period of 2 years following vacation of office, before any state
355 agency other than judicial tribunals or in settlement
356 negotiations after the filing of a lawsuit. No member shall
357 associate as a partner, principal, employee of a firm, or
358 consultant for a period of 2 years following vacation of office
359 for the purpose of drafting, strategizing, consulting, advising
360 or in any way working on matters that will come before the
361 Legislature or provide networking or relationship building
362 services with sitting members of the Legislature. For purposes
363 of this prohibition, employment, partnership, or association
364 with a principal, firm, or entity whose primary purpose is
365 legislative lobbying is presumptively prohibited unless the
366 principal, firm, entity, or former member first receives an
367 advisory opinion from the commission finding that the proposed
368 employment is in compliance with this section. If the primary
369 purpose of the employer, association or partnership, principal,
370 firm, or entity affiliating with the former member is
371 legislative lobbying, such entity must file annually a sworn
372 statement with the Secretary of the Senate or the Clerk of the
373 House of Representatives affirming that the former member did
374 not engage in any of the prohibited activities.

375 4. An agency employee, including an agency employee who was
376 employed on July 1, 2001, in a Career Service System position



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377 that was transferred to the Selected Exempt Service System under
378 chapter 2001-43, Laws of Florida, may not personally represent
379 another person or entity for compensation before the agency with
380 which he or she was employed for a period of 2 years following
381 vacation of position, unless employed by another agency of state
382 government.

383 5. Any person violating this paragraph shall be subject to
384 the penalties provided in s. 112.317 and a civil penalty of an
385 amount equal to the compensation which the person receives for
386 the prohibited conduct.

387 6. This paragraph is not applicable to:

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

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

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

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

399 e. Any appointed state officer whose term of office began
400 before January 1, 1995, unless reappointed to that office on or
401 after January 1, 1995.

402 Section 4. Section 112.3142, Florida Statutes, is created
403 to read:

404 112.3142 Ethics training for specified constitutional
405 officers.-



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406 (1) As used in this section, the term "constitutional
407 officers" includes the Governor, the Lieutenant Governor, the
408 Attorney General, the Chief Financial Officer, the Commissioner
409 of Agriculture, state attorneys, public defenders, sheriffs, tax
410 collectors, property appraisers, supervisors of elections,
411 clerks of the circuit court, county commissioners, district
412 school board members, and superintendents of schools.

413 (2) All constitutional officers must complete 4 hours of
414 ethics training annually that addresses, at a minimum, s. 8,
415 Art. II of the State Constitution, the Code of Ethics for Public
416 Officers and Employees, and the public records and public
417 meetings laws of this state. This requirement may be satisfied
418 by completion of a continuing legal education class or other
419 continuing professional education class, seminar, or
420 presentation if the required subjects are covered.

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

423 Section 5. Section 112.31425, Florida Statutes, is created
424 to read:

425 112.31425 Qualified blind trusts.—

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

430 (2) If a public officer holds a beneficial interest in a
431 qualified blind trust as described in this section, he or she
432 does not have a conflict of interest prohibited under s.
433 112.313(3) or (7) or a voting conflict of interest under s.
434 112.3143 with regard to matters pertaining to that interest.



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435 (3) The public officer may not attempt to influence or
436 exercise any control over decisions regarding the management of
437 assets in a qualified blind trust. The public officer or any
438 person having a beneficial interest in the qualified blind trust
439 may not make any effort to obtain information with respect to
440 the holdings of the trust, including obtaining a copy of any
441 trust tax return filed or any information relating thereto,
442 except as otherwise provided in this section.

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

449 (a) A request for a distribution from the trust which does
450 not specify whether the distribution is to be made in cash or in
451 kind;

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

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

460 (d) A direction to the trustee to sell all of an asset
461 initially placed in the trust by the public officer which, in
462 the determination of the public officer, creates a conflict of
463 interest or the appearance thereof due to the subsequent



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464 assumption of duties by the public officer.

465 (5) The public officer shall report the beneficial interest
466 in the qualified blind trust and its value as an asset on his or
467 her financial disclosure form, if the value is required to be
468 disclosed. The public officer shall report the blind trust as a
469 primary source of income on his or her financial disclosure
470 forms and its amount, if the amount of income is required to be
471 disclosed. The public officer is not required to report as a
472 secondary source of income any source of income to the blind
473 trust.

474 (6) In order to constitute a qualified blind trust, the
475 trust established by the public officer must meet the following
476 requirements:

477 (a) The person appointed as the trustee may not be:

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

482 2. A person who is an elected or appointed public officer
483 or a public employee; or

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

487 (b) The trust agreement that establishes the trust must:

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

492 2. Give the trustee complete discretion to manage the



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493 trust, including, but not limited to, the power to dispose of
494 and acquire trust assets without consulting or notifying the
495 covered public officer or the person having a beneficial
496 interest in the trust.

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

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

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

513 6. Prohibit the trustee from disclosing to the public
514 officer or the person who has a beneficial interest any
515 information concerning replacement assets to the trust, except
516 for the minimum tax information that lists only the totals of
517 taxable items from the trust and does not describe the source of
518 individual items of income.

519 (c) Within 5 business days after the agreement is executed,
520 the public officer shall file a notice with the commission
521 setting forth:



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522 1. The date that the agreement is executed;

523 2. The name and address of the trustee; and

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

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

539 Section 6. Subsections (1) and (2) of section 112.3143,
540 Florida Statutes, are amended, current subsection (5) of that
541 section is renumbered as subsection (6), and a new subsection
542 (5) is added to that section, to read:

543 112.3143 Voting conflicts.—

544 (1) As used in this section:

545 (a) "Principal" includes the parent organization or
546 subsidiary of any business entity by which the public officer is
547 retained.

548 (b) ~~(a)~~ "Public officer" includes any person elected or
549 appointed to hold office in any agency, including any person
550 serving on an advisory body.



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551 ~~(c)~~ ~~(b)~~ "Relative" means any father, mother, son, daughter,
552 husband, wife, brother, sister, father-in-law, mother-in-law,
553 son-in-law, or daughter-in-law.

554 (d) "Special private gain or loss" means an economic
555 benefit or harm that would inure to the voting official or the
556 voting official's relative, business associate, or principal in
557 a unique way or disproportionate to other members of the group.

558 (2)(a) A No state public officer may not vote on any matter
559 that the officer knows would inure to his or her special private
560 gain or loss is prohibited from voting in an official capacity
561 on any matter. However, Any state public officer who abstains
562 from voting in an official capacity upon any measure that which
563 the officer knows would inure to the officer's special private
564 gain or loss, or who votes in an official capacity on a measure
565 that, which he or she knows would inure to the special private
566 gain or loss of any principal by whom the officer is retained or
567 to the parent organization or subsidiary of a corporate
568 principal by which the officer is retained other than an agency
569 as defined in s. 112.312(2); or which the officer knows would
570 inure to the special private gain or loss of a relative or
571 business associate of the public officer, shall make every
572 reasonable effort to, within 15 days after the vote occurs,
573 disclose the nature of his or her interest as a public record in
574 a memorandum filed with the person responsible for recording the
575 minutes of the meeting, who shall incorporate the memorandum in
576 the minutes. If it is not possible for the state public officer
577 to file a memorandum before the vote, the memorandum must be
578 filed with the person responsible for recording the minutes of
579 the meeting no later than 15 days after the vote.



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

584 (5) If disclosure of specific information would violate
585 confidentiality or privilege pursuant to law or rules governing
586 attorneys, a public officer, who is also an attorney, may comply
587 with the disclosure requirements of this section by disclosing
588 the nature of the interest in such a way as to provide the
589 public with notice of the conflict.

590 Section 7. Subsection (2) of section 112.3144, Florida
591 Statutes, is amended, present subsection (7) is renumbered as
592 subsection (9), and new subsections (7) and (8) are added to
593 that section, to read:

594 112.3144 Full and public disclosure of financial
595 interests.—

596 (2) A person who is required, pursuant to s. 8, Art. II of
597 the State Constitution, to file a full and public disclosure of
598 financial interests and who has filed a full and public
599 disclosure of financial interests for any calendar or fiscal
600 year shall not be required to file a statement of financial
601 interests pursuant to s. 112.3145(2) and (3) for the same year
602 or for any part thereof notwithstanding any requirement of this
603 part. When a candidate has qualified for office, the qualifying
604 officer shall, within 3 days of receipt of the full and public
605 disclosure of financial interests, forward an electronic copy of
606 the full and public disclosure to the commission. The electronic
607 copy of the full and public disclosure of financial interests
608 satisfies the annual disclosure requirement of this section. A



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609 candidate who does not qualify until after the annual full and
610 public disclosure has been filed pursuant to this section,
611 ~~except that a candidate for office shall file a copy of his or~~
612 ~~her disclosure with the officer before whom he or she qualifies.~~

613 (7) (a) The commission shall treat an amended full and
614 public disclosure of financial interests that is filed prior to
615 September 1 of the current year as the original filing,
616 regardless of whether a complaint has been filed. If a complaint
617 pertaining to the current year alleges a failure to properly and
618 accurately disclose any information required by this section or
619 if a complaint filed pertaining to a previous reporting period
620 within the preceding 5 years alleges a failure to properly and
621 accurately disclose any information required to be disclosed by
622 this section, the commission may immediately follow complaint
623 procedures in s. 112.324. However, if a complaint filed after
624 August 25 alleges an immaterial, inconsequential, or de minimis
625 error or omission, the commission may not take any action on the
626 complaint, other than notifying the filer of the complaint. The
627 filer must be given 30 days to file an amended full and public
628 disclosure of financial interests correcting any errors. If the
629 filer does not file an amended full and public disclosure of
630 financial interests within 30 days after the commission sends
631 notice of the complaint, the commission may continue with
632 proceedings pursuant to s. 112.324.

633 (b) For purposes of the final full and public disclosure of
634 financial interests, the commission shall treat a new final full
635 and public disclosure of financial interests as the original
636 filing if filed within 60 days after the original filing,
637 regardless of whether a complaint has been filed. If, more than



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638 60 days after a final full and public disclosure of financial
639 interests is filed, a complaint is filed alleging a complete
640 omission of any information required to be disclosed by this
641 section, the commission may immediately follow the complaint
642 procedures in s. 112.324. However, if the complaint alleges an
643 immaterial, inconsequential, or de minimis error or omission,
644 the commission may not take any action on the complaint, other
645 than notifying the filer of the complaint. The filer must be
646 given 30 days to file a new final full and public disclosure of
647 financial interests correcting any errors. If the filer does not
648 file a new final full and public disclosure of financial
649 interests within 30 days after the commission sends notice of
650 the complaint, the commission may continue with proceedings
651 pursuant to s. 112.324.

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

656 (8) (a) An individual required to file a disclosure pursuant
657 to this section may have the disclosure prepared by a certified
658 public accountant licensed in this state. The certified public
659 accountant must attest on the form that he or she prepared the
660 disclosure in accordance with applicable industry standards, if
661 any, and that, upon his or her reasonable knowledge and belief,
662 the disclosure is true and correct. If a complaint is filed
663 alleging a failure to disclose information required by this
664 section, the commission shall determine whether the information
665 was disclosed to the certified public accountant. The failure of
666 the certified public accountant to accurately transcribe



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667 information provided by the individual required to file is not a
668 violation of this section.

669 (b) An elected officer or candidate who chooses to use a
670 certified public accountant to prepare his or her disclosure may
671 pay for the services of the certified public accountant from
672 funds in an office account created pursuant to s. 106.141 or,
673 during a year that the individual qualifies for election to
674 public office, the candidate's campaign depository pursuant to
675 s. 106.021.

676 Section 8. Section 112.31445, Florida Statutes, is created
677 to read:

678 112.31445 Electronic filing system; full and public
679 disclosure of financial interests.-

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

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

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

693 (a) Provide for access through the Internet.

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



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696 standard web-browsing software.

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

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

702 (e) Provide a method for a certified public accountant
703 licensed in this state to attest that he or she prepared the
704 disclosure in accordance with applicable industry standards, if
705 any, and that, upon his or her reasonable knowledge and belief,
706 the form is true and correct.

707 (f) Address whether additional statutory or rulemaking
708 authority is necessary for implementation of the system, and
709 must include, at a minimum, the following elements: alternate
710 filing procedures to be used in the event that the commission's
711 electronic filing system is inoperable, issuance of an
712 electronic receipt via electronic mail indicating and verifying
713 to the individual who submitted the full and public disclosure
714 of financial interests form that the form has been filed, and a
715 determination of the feasibility and necessity of including
716 statements of financial interests filed pursuant to s. 112.3145
717 in the proposed system.

718 Section 9. Paragraphs (a) and (b) of subsection (1),
719 paragraph (a) of subsection (2), and subsection (3) of section
720 112.3145, Florida Statutes, are amended, present subsection (9)
721 of that section is renumbered as subsection (11), and new
722 subsections (9) and (10) are added to that section, to read:

723 112.3145 Disclosure of financial interests and clients
724 represented before agencies.-



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

727 (a) "Local officer" means:

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

731 2. Any appointed member of any of the following boards,
732 councils, commissions, authorities, or other bodies of any
733 county, municipality, school district, independent special
734 district, or other political subdivision of the state:

735 a. The governing body of the political subdivision, if
736 appointed;

737 ~~b. An expressway authority or transportation authority~~
738 ~~established by general law;~~

739 ~~b.e.~~ A community college or junior college district board
740 of trustees;

741 ~~c.d.~~ A board having the power to enforce local code
742 provisions;

743 ~~d.e.~~ A planning or zoning board, board of adjustment, board
744 of appeals, community redevelopment agency board, or other board
745 having the power to recommend, create, or modify land planning
746 or zoning within the political subdivision, except for citizen
747 advisory committees, technical coordinating committees, and such
748 other groups who only have the power to make recommendations to
749 planning or zoning boards;

750 ~~e.f.~~ A pension board or retirement board having the power
751 to invest pension or retirement funds or the power to make a
752 binding determination of one's entitlement to or amount of a
753 pension or other retirement benefit; or



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

758 3. Any person holding one or more of the following
759 positions: mayor; county or city manager; chief administrative
760 employee of a county, municipality, or other political
761 subdivision; county or municipal attorney; finance director of a
762 county, municipality, or other political subdivision; chief
763 county or municipal building code inspector; county or municipal
764 water resources coordinator; county or municipal pollution
765 control director; county or municipal environmental control
766 director; county or municipal administrator, with power to grant
767 or deny a land development permit; chief of police; fire chief;
768 municipal clerk; district school superintendent; community
769 college president; district medical examiner; or purchasing
770 agent having the authority to make any purchase exceeding the
771 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
772 behalf of any political subdivision of the state or any entity
773 thereof.

774 (b) "Specified state employee" means:

775 1. Public counsel created by chapter 350, an assistant
776 state attorney, an assistant public defender, a criminal
777 conflict and civil regional counsel, an assistant criminal
778 conflict and civil regional counsel, a full-time state employee
779 who serves as counsel or assistant counsel to any state agency,
780 the Deputy Chief Judge of Compensation Claims, a judge of
781 compensation claims, an administrative law judge, or a hearing
782 officer.



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783 2. Any person employed in the office of the Governor or in
784 the office of any member of the Cabinet if that person is exempt
785 from the Career Service System, except persons employed in
786 clerical, secretarial, or similar positions.

787 3. The State Surgeon General or each appointed secretary,
788 assistant secretary, deputy secretary, executive director,
789 assistant executive director, or deputy executive director of
790 each state department, commission, board, or council; unless
791 otherwise provided, the division director, assistant division
792 director, deputy director, bureau chief, and assistant bureau
793 chief of any state department or division; or any person having
794 the power normally conferred upon such persons, by whatever
795 title.

796 4. The superintendent or institute director of a state
797 mental health institute established for training and research in
798 the mental health field or the warden or director of any major
799 state institution or facility established for corrections,
800 training, treatment, or rehabilitation.

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

805 6. Any person, other than a legislative assistant exempted
806 by the presiding officer of the house by which the legislative
807 assistant is employed, who is employed in the legislative branch
808 of government, except persons employed in maintenance, clerical,
809 secretarial, or similar positions.

810 7. Each employee of the Commission on Ethics.

811 (2) (a) A person seeking nomination or election to a state



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812 or local elective office shall file a statement of financial
813 interests together with, and at the same time he or she files,
814 qualifying papers. When a candidate has qualified for office
815 prior to the deadline to file an annual statement of financial
816 interests, the statement of financial interests that is filed
817 with the candidate's qualifying papers shall be deemed to
818 satisfy the annual disclosure requirement of this section. The
819 qualifying officer must record that the statement of financial
820 interests was timely filed. However, if a candidate does not
821 qualify until after the annual statement of financial interests
822 has been filed, the candidate may file a copy of his or her
823 statement with the qualifying officer.

824 (3) The statement of financial interests for state
825 officers, specified state employees, local officers, and persons
826 seeking to qualify as candidates for state or local office shall
827 be filed even if the reporting person holds no financial
828 interests requiring disclosure, in which case the statement
829 shall be marked "not applicable." Otherwise, the statement of
830 financial interests shall include, at the filer's option,
831 either:

832 (a)1. All sources of income in excess of 5 percent of the
833 gross income received during the disclosure period by the person
834 in his or her own name or by any other person for his or her use
835 or benefit, excluding public salary. However, this shall not be
836 construed to require disclosure of a business partner's sources
837 of income. The person reporting shall list such sources in
838 descending order of value with the largest source first;

839 2. All sources of income to a business entity in excess of
840 10 percent of the gross income of a business entity in which the



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841 reporting person held a material interest and from which he or
842 she received an amount which was in excess of 10 percent of his
843 or her gross income during the disclosure period and which
844 exceeds \$1,500. The period for computing the gross income of the
845 business entity is the fiscal year of the business entity which
846 ended on, or immediately prior to, the end of the disclosure
847 period of the person reporting;

848 3. The location or description of real property in this
849 state, except for residences and vacation homes, owned directly
850 or indirectly by the person reporting, when such person owns in
851 excess of 5 percent of the value of such real property, and a
852 general description of any intangible personal property worth in
853 excess of 10 percent of such person's total assets. For the
854 purposes of this paragraph, indirect ownership does not include
855 ownership by a spouse or minor child; and

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

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

865 2. All sources of income to a business entity in excess of
866 10 percent of the gross income of a business entity in which the
867 reporting person held a material interest and from which he or
868 she received gross income exceeding \$5,000 during the disclosure
869 period. The period for computing the gross income of the



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870 business entity is the fiscal year of the business entity which
871 ended on, or immediately prior to, the end of the disclosure
872 period of the person reporting;

873 3. The location or description of real property in this
874 state, except for residence and vacation homes, owned directly
875 or indirectly by the person reporting, when such person owns in
876 excess of 5 percent of the value of such real property, and a
877 general description of any intangible personal property worth in
878 excess of \$10,000. For the purpose of this paragraph, indirect
879 ownership does not include ownership by a spouse or minor child;
880 and

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

882
883 A person filing a statement of financial interests shall
884 indicate on the statement whether he or she is using the method
885 specified in paragraph (a) or paragraph (b) of this subsection.

886 (9) (a) The commission shall treat an amended statement of
887 financial interests that is filed prior to September 1 of the
888 current year as the original filing, regardless of whether a
889 complaint has been filed. If a complaint pertaining to the
890 current year alleges a failure to properly and accurately
891 disclose any information required by this section or if a
892 complaint filed pertaining to a previous reporting period within
893 the preceding 5 years alleges a failure to properly and
894 accurately disclose any information required to be disclosed by
895 this section, the commission may immediately follow complaint
896 procedures in s. 112.324. However, if a complaint filed after
897 August 25 alleges an immaterial, inconsequential, or de minimis
898 error or omission, the commission may not take any action on the



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899 complaint, other than notifying the filer of the complaint. The
900 filer must be given 30 days to file an amended statement of
901 financial interests correcting any errors. If the filer does not
902 file an amended statement of financial interests within 30 days
903 after the commission sends notice of the complaint, the
904 commission may continue with proceedings pursuant to s. 112.324.

905 (b) For purposes of the final statement of financial
906 interests, the commission shall treat a new final statement of
907 financial interests, as the original filing, if filed within 60
908 days of the original filing regardless of whether a complaint
909 has been filed. If, more than 60 days after a final statement of
910 financial interests is filed, a complaint is filed alleging a
911 complete omission of any information required to be disclosed by
912 this section, the commission may immediately follow the
913 complaint procedures in s. 112.324. However, if the complaint
914 alleges an immaterial, inconsequential, or de minimis error or
915 omission, the commission may not take any action on the
916 complaint other than notifying the filer of the complaint. The
917 filer must be given 30 days to file a new final statement of
918 financial interests correcting any errors. If the filer does not
919 file a new final statement of financial interests within 30 days
920 after the commission sends notice of the complaint, the
921 commission may continue with proceedings pursuant to s. 112.324.

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

926 (10) (a) An individual required to file a disclosure
927 pursuant to this section may have the disclosure prepared by a



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928 certified public accountant licensed in this state. The
929 certified public accountant must attest on the form that he or
930 she prepared the disclosure in accordance with applicable
931 industry standards, if any, and that, upon his or her reasonable
932 knowledge and belief, the disclosure is true and correct. If a
933 complaint is filed alleging a failure to disclose information
934 required by this section, the commission shall determine whether
935 the information was disclosed to the certified public
936 accountant. If the certified public accountant had the
937 information, but failed to accurately transcribe it onto the
938 form in the manner required, the filing individual is not in
939 violation of this section.

940 (b) An elected officer or candidate who chooses to use a
941 certified public accountant to prepare his or her disclosure may
942 pay for the services of the certified public accountant from
943 funds in an office account created pursuant to s. 106.141 or,
944 during a year that the individual qualifies for election to
945 public office, the candidate's campaign depository pursuant to
946 s. 106.021.

947 Section 10. Section 112.31455, Florida Statutes, is created
948 to read:

949 112.31455 Collection methods for unpaid automatic fines for
950 failure to timely file disclosure of financial interests.-

951 (1) Before referring any unpaid fine accrued pursuant to s.
952 112.3144(5) or s. 112.3145(6) to the Department of Financial
953 Services, the commission shall attempt to determine whether the
954 individual owing such a fine is a current public officer or
955 current public employee. If so, the commission may notify the
956 Chief Financial Officer or the governing body of the appropriate



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957 county, municipality, or special district of the total amount of
958 any fine owed to the commission by such individual.

959 (a) After receipt and verification of the notice from the
960 commission, the Chief Financial Officer or the governing body of
961 the county, municipality, or special district shall begin
962 withholding the lesser of 10 percent or the maximum amount
963 allowed under federal law from any salary-related payment. The
964 withheld payments shall be remitted to the commission until the
965 fine is satisfied.

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

970 (2) If the commission determines that the individual who is
971 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
972 or s. 112.3145(6) is no longer a public officer or public
973 employee or if the commission is unable to determine whether the
974 individual is a current public officer or public employee, the
975 commission may, 6 months after the order becomes final:

976 (a) Record the final order as a judgment lien against any
977 real or personal property within the state pursuant to chapter
978 55. Upon recording the order imposing the fine with the clerk of
979 the circuit court, the order shall be deemed a judgment for
980 purposes of chapter 55; or

981 (b) Seek garnishment of any wages to satisfy the amount of
982 the fine, or any unpaid portion thereof, pursuant to chapter 77.
983 Upon recording the order imposing the fine with the clerk of the
984 circuit court, the order shall be deemed a judgment for purposes
985 of garnishment pursuant to chapter 77.



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986 (3) If a person holds an interest of \$10,000 or less in a
987 single motor vehicle as defined in s. 320.01, that interest is
988 exempt from the collection methods authorized by this section.

989 (4) The commission may refer unpaid fines to the
990 appropriate collection agency, as directed by the Chief
991 Financial Officer, to utilize any collection methods provided by
992 law. Except as expressly limited by this section, any other
993 collection methods authorized by law are allowed.

994 (5) Action may be taken to collect any unpaid fine imposed
995 by ss. 112.3144 and 112.3145 within 20 years after the date the
996 final order is rendered.

997 Section 11. Section 112.3147, Florida Statutes, is amended
998 to read:

999 112.3147 Forms.—Except as otherwise provided, all
1000 information required to be furnished by ss. 112.313, 112.3143,
1001 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
1002 of the State Constitution shall be on forms prescribed by the
1003 Commission on Ethics.

1004 Section 12. Paragraph (e) of subsection (2) of section
1005 112.3148, Florida Statutes, is amended and paragraph (f) is
1006 added to that subsection, and subsections (3) through (5) of
1007 that section are amended, to read:

1008 112.3148 Reporting and prohibited receipt of gifts by
1009 individuals filing full or limited public disclosure of
1010 financial interests and by procurement employees.—

1011 (2) As used in this section:

1012 (e) "Procurement employee" means any employee of an
1013 officer, department, board, commission, ~~or~~ council, or agency of
1014 the executive branch or judicial branch of state government who



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1015 has participated in the preceding 12 months ~~participates~~ through
1016 decision, approval, disapproval, recommendation, preparation of
1017 any part of a purchase request, influencing the content of any
1018 specification or procurement standard, rendering of advice,
1019 investigation, or auditing or in any other advisory capacity in
1020 the procurement of contractual services or commodities as
1021 defined in s. 287.012, if the cost of such services or
1022 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
1023 any fiscal year.

1024 (f) "Vendor" means a business entity doing business
1025 directly with an agency, such as renting, leasing, or selling
1026 any realty, goods, or services.

1027 (3) A reporting individual or procurement employee is
1028 prohibited from soliciting any gift from a vendor doing business
1029 with the reporting individual's or procurement employee's agency
1030 or from a political committee or committee of continuous
1031 existence, as defined in s. 106.011, or from a lobbyist who
1032 lobbies the reporting individual's or procurement employee's
1033 agency, or the partner, firm, employer, or principal of such
1034 lobbyist, where such gift is for the personal benefit of the
1035 reporting individual or procurement employee, another reporting
1036 individual or procurement employee, or any member of the
1037 immediate family of a reporting individual or procurement
1038 employee.

1039 (4) A reporting individual or procurement employee or any
1040 other person on his or her behalf is prohibited from knowingly
1041 accepting, directly or indirectly, a gift from a vendor doing
1042 business with the reporting individual's or procurement
1043 employee's agency or from a political committee or committee of



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1044 ~~continuous existence, as defined in s. 106.011, or from a~~
1045 lobbyist who lobbies the reporting individual's or procurement
1046 employee's agency, or directly or indirectly on behalf of the
1047 partner, firm, employer, or principal of a lobbyist, if he or
1048 she knows or reasonably believes that the gift has a value in
1049 excess of \$100; however, such a gift may be accepted by such
1050 person on behalf of a governmental entity or a charitable
1051 organization. If the gift is accepted on behalf of a
1052 governmental entity or charitable organization, the person
1053 receiving the gift shall not maintain custody of the gift for
1054 any period of time beyond that reasonably necessary to arrange
1055 for the transfer of custody and ownership of the gift.

1056 (5) (a) A vendor doing business with the reporting
1057 individual's or procurement employee's agency ~~A political~~
1058 ~~committee or a committee of continuous existence, as defined in~~
1059 ~~s. 106.011;~~ a lobbyist who lobbies a reporting individual's or
1060 procurement employee's agency; the partner, firm, employer, or
1061 principal of a lobbyist; or another on behalf of the lobbyist or
1062 partner, firm, principal, or employer of the lobbyist is
1063 prohibited from giving, either directly or indirectly, a gift
1064 that has a value in excess of \$100 to the reporting individual
1065 or procurement employee or any other person on his or her
1066 behalf; however, such person may give a gift having a value in
1067 excess of \$100 to a reporting individual or procurement employee
1068 if the gift is intended to be transferred to a governmental
1069 entity or a charitable organization.

1070 (b) However, a person who is regulated by this subsection,
1071 who is not regulated by subsection (6), and who makes, or
1072 directs another to make, an individual gift having a value in



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1073 excess of \$25, but not in excess of \$100, other than a gift that
1074 the donor knows will be accepted on behalf of a governmental
1075 entity or charitable organization, must file a report on the
1076 last day of each calendar quarter for the previous calendar
1077 quarter in which a reportable gift is made. The report shall be
1078 filed with the Commission on Ethics, except with respect to
1079 gifts to reporting individuals of the legislative branch, in
1080 which case the report shall be filed with the Office of
1081 Legislative Services. The report must contain a description of
1082 each gift, the monetary value thereof, the name and address of
1083 the person making such gift, the name and address of the
1084 recipient of the gift, and the date such gift is given. In
1085 addition, if a gift is made which requires the filing of a
1086 report under this subsection, the donor must notify the intended
1087 recipient at the time the gift is made that the donor, or
1088 another on his or her behalf, will report the gift under this
1089 subsection. Under this paragraph, a gift need not be reported by
1090 more than one person or entity.

1091 Section 13. Section 112.31485, Florida Statutes, is created
1092 to read:

1093 112.31485 Prohibition on gifts involving political
1094 committees and committees of continuous existence.-

1095 (1) (a) For purposes of this section, the term "gift" means
1096 any purchase, payment, distribution, loan, advance, transfer of
1097 funds, or disbursement of money or anything of value that is not
1098 primarily related to contributions, expenditures, or other
1099 political activities authorized pursuant to chapter 106.

1100 (b) For purposes of this section, the term "immediate
1101 family" means any parent, spouse, child, or sibling.



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1102 (2) (a) A reporting individual or procurement employee or a
1103 member of his or her immediate family is prohibited from
1104 soliciting or knowingly accepting, directly or indirectly, any
1105 gift from a political committee or committee of continuous
1106 existence.

1107 (b) A political committee or committee of continuous
1108 existence is prohibited from giving, directly or indirectly, any
1109 gift to a reporting individual or procurement employee or a
1110 member of his or her immediate family.

1111 (3) Any person who violates this section is subject to a
1112 civil penalty equal to three times the amount of the gift. Such
1113 penalty is in addition to the penalties provided in s. 112.317
1114 and shall be paid to the General Revenue Fund of the state. A
1115 reporting individual or procurement employee or a member of his
1116 or her immediate family who violates this section is personally
1117 liable for payment of the treble penalty. Any agent or person
1118 acting on behalf of a political committee or committee of
1119 continuous existence who gives a prohibited gift is personally
1120 liable for payment of the treble penalty.

1121 Section 14. Paragraph (e) of subsection (1) of section
1122 112.3149, Florida Statutes, is amended, and paragraph (f) is
1123 added to that subsection, and subsections (3) and (4) of that
1124 section are amended, to read:

1125 112.3149 Solicitation and disclosure of honoraria.—

1126 (1) As used in this section:

1127 (e) "Procurement employee" means any employee of an
1128 officer, department, board, commission, ~~or~~ council, or agency of
1129 the executive branch or judicial branch of state government who
1130 has participated in the preceding 12 months ~~participates~~ through



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1131 decision, approval, disapproval, recommendation, preparation of
1132 any part of a purchase request, influencing the content of any
1133 specification or procurement standard, rendering of advice,
1134 investigation, or auditing or in any other advisory capacity in
1135 the procurement of contractual services or commodities as
1136 defined in s. 287.012, if the cost of such services or
1137 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1138 (f) "Vendor" means a business entity doing business
1139 directly with an agency, such as renting, leasing, or selling
1140 any realty, goods, or services.

1141 (3) A reporting individual or procurement employee is
1142 prohibited from knowingly accepting an honorarium from a
1143 political committee or committee of continuous existence, as
1144 defined in s. 106.011, from a vendor doing business with the
1145 reporting individual's or procurement employee's agency, from a
1146 lobbyist who lobbies the reporting individual's or procurement
1147 employee's agency, or from the employer, principal, partner, or
1148 firm of such a lobbyist.

1149 (4) A political committee or committee of continuous
1150 existence, as defined in s. 106.011, a vendor doing business
1151 with the reporting individual's or procurement employee's
1152 agency, a lobbyist who lobbies a reporting individual's or
1153 procurement employee's agency, or the employer, principal,
1154 partner, or firm of such a lobbyist is prohibited from giving an
1155 honorarium to a reporting individual or procurement employee.

1156 Section 15. Section 112.317, Florida Statutes, is amended
1157 to read:

1158 112.317 Penalties.—

1159 (1) Any violation of ~~any provision of~~ this part, including,



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1160 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required
1161 by this part or violation of any standard of conduct imposed by
1162 this part, or any violation of ~~any provision of~~ s. 8, Art. II of
1163 the State Constitution, in addition to any criminal penalty or
1164 other civil penalty involved, ~~shall~~, under applicable
1165 constitutional and statutory procedures, constitutes ~~constitute~~
1166 grounds for, and may be punished by, one or more of the
1167 following:

1168 (a) In the case of a public officer:

1169 1. Impeachment.

1170 2. Removal from office.

1171 3. Suspension from office.

1172 4. Public censure and reprimand.

1173 5. Forfeiture of no more than one-third of his or her
1174 salary per month for no more than 12 months.

1175 6. A civil penalty not to exceed \$10,000.

1176 7. Restitution of any pecuniary benefits received because
1177 of the violation committed. The commission may recommend that
1178 the restitution penalty be paid to the agency of which the
1179 public officer was a member or to the General Revenue Fund.

1180 (b) In the case of an employee or a person designated as a
1181 public officer by this part who otherwise would be deemed to be
1182 an employee:

1183 1. Dismissal from employment.

1184 2. Suspension from employment for not more than 90 days
1185 without pay.

1186 3. Demotion.

1187 4. Reduction in his or her salary level.

1188 5. Forfeiture of no more than one-third salary per month



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1189 for no more than 12 months.

1190 6. A civil penalty not to exceed \$10,000.

1191 7. Restitution of any pecuniary benefits received because
1192 of the violation committed. The commission may recommend that
1193 the restitution penalty be paid to the agency by which the
1194 public employee was employed, or of which the officer was deemed
1195 to be an employee, or to the General Revenue Fund.

1196 8. Public censure and reprimand.

1197 (c) In the case of a candidate who violates ~~the provisions~~
1198 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
1199 Constitution:

1200 1. Disqualification from being on the ballot.

1201 2. Public censure.

1202 3. Reprimand.

1203 4. A civil penalty not to exceed \$10,000.

1204 (d) In the case of a former public officer or employee who
1205 has violated a provision applicable to former officers or
1206 employees or whose violation occurred before the officer's or
1207 employee's leaving public office or employment:

1208 1. Public censure and reprimand.

1209 2. A civil penalty not to exceed \$10,000.

1210 3. Restitution of any pecuniary benefits received because
1211 of the violation committed. The commission may recommend that
1212 the restitution penalty be paid to the agency of the public
1213 officer or employee or to the General Revenue Fund.

1214 (e) In the case of a person who is subject to the standards
1215 of this part, other than a lobbyist or lobbying firm under s.
1216 112.3215 for a violation of s. 112.3215, but who is not a public
1217 officer or employee:



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- 1218 1. Public censure and reprimand.
- 1219 2. A civil penalty not to exceed \$10,000.
- 1220 3. Restitution of any pecuniary benefits received because
- 1221 of the violation committed. The commission may recommend that
- 1222 the restitution penalty be paid to the agency of the person or
- 1223 to the General Revenue Fund.
- 1224 (2) In any case in which the commission finds a violation
- 1225 of this part or of s. 8, Art. II of the State Constitution and
- 1226 the proper disciplinary official or body under s. 112.324
- 1227 imposes a civil penalty or restitution penalty, the Attorney
- 1228 General shall bring a civil action to recover such penalty. No
- 1229 defense may be raised in the civil action to enforce the civil
- 1230 penalty or order of restitution that could have been raised by
- 1231 judicial review of the administrative findings and
- 1232 recommendations of the commission by certiorari to the district
- 1233 court of appeal. The Attorney General shall collect any costs,
- 1234 attorney's fees, expert witness fees, or other costs of
- 1235 collection incurred in bringing the action.
- 1236 (3) The penalties prescribed in this part shall not be
- 1237 construed to limit or to conflict with:
- 1238 (a) The power of either house of the Legislature to
- 1239 discipline its own members or impeach a public officer.
- 1240 (b) The power of agencies to discipline officers or
- 1241 employees.
- 1242 (4) Any violation of this part or of s. 8, Art. II of the
- 1243 State Constitution by a public officer constitutes ~~shall~~
- 1244 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
- 1245 office within the meaning of s. 7, Art. IV of the State
- 1246 Constitution.



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1247 (5) By order of the Governor, upon recommendation of the
1248 commission, any elected municipal officer who violates ~~any~~
1249 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1250 Constitution may be suspended from office and the office filled
1251 by appointment for the period of suspension. The suspended
1252 officer may at any time before removal be reinstated by the
1253 Governor. The Senate may, in proceedings prescribed by law,
1254 remove from office, or reinstate, the suspended official, and
1255 for such purpose the Senate may be convened in special session
1256 by its President or by a majority of its membership.

1257 (6) In any case in which the commission finds probable
1258 cause to believe that a complainant has committed perjury in
1259 regard to any document filed with, or any testimony given
1260 before, the commission, it shall refer such evidence to the
1261 appropriate law enforcement agency for prosecution and taxation
1262 of costs.

1263 (7) In any case in which the commission determines that a
1264 person has filed a complaint against a public officer or
1265 employee with a malicious intent to injure the reputation of
1266 such officer or employee by filing the complaint with knowledge
1267 that the complaint contains one or more false allegations or
1268 with reckless disregard for whether the complaint contains false
1269 allegations of fact material to a violation of this part, the
1270 complainant shall be liable for costs plus reasonable attorney
1271 ~~attorney's~~ fees incurred in the defense of the person complained
1272 against, including the costs and reasonable attorney ~~attorney's~~
1273 fees incurred in proving entitlement to and the amount of costs
1274 and fees. If the complainant fails to pay such costs and fees
1275 voluntarily within 30 days following such finding by the



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1276 commission, the commission shall forward such information to the
1277 Department of Legal Affairs, which shall bring a civil action in
1278 a court of competent jurisdiction to recover the amount of such
1279 costs and fees awarded by the commission.

1280 Section 16. Paragraphs (a) and (c) of subsection (8) and
1281 subsection (10) of section 112.3215, Florida Statutes, are
1282 amended, present subsections (11) through (14) are renumbered as
1283 (12) through (15), respectively, and a new subsection (11) is
1284 added to that section to read:

1285 112.3215 Lobbying before the executive branch or the
1286 Constitution Revision Commission; registration and reporting;
1287 investigation by commission.—

1288 (8) (a) The commission shall investigate every sworn
1289 complaint that is filed with it alleging that a person covered
1290 by this section has failed to register, has failed to submit a
1291 compensation report, has made a prohibited expenditure, or has
1292 knowingly submitted false information in any report or
1293 registration required in this section.

1294 (c) The commission shall investigate any lobbying firm,
1295 lobbyist, principal, agency, officer, or employee upon receipt
1296 of information from a sworn complaint or from a random audit of
1297 lobbying reports indicating a possible violation other than a
1298 late-filed report.

1299 (10) If the Governor and Cabinet finds that a violation
1300 occurred, it may reprimand the violator, censure the violator,
1301 or prohibit the violator from lobbying all agencies for a period
1302 not to exceed 2 years. If the violator is a lobbying firm,
1303 lobbyist, or principal, the Governor and Cabinet may also assess
1304 a fine of not more than \$5,000 to be deposited in the Executive



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1305 Branch Lobby Registration Trust Fund.

1306 (11) Any person who is required to be registered or to
1307 provide information under this section or under rules adopted
1308 pursuant to this section and who knowingly fails to disclose any
1309 material fact that is required by this section or by rules
1310 adopted pursuant to this section, or who knowingly provides
1311 false information on any report required by this section or by
1312 rules adopted pursuant to this section, commits a noncriminal
1313 infraction, punishable by a fine not to exceed \$5,000. Such
1314 penalty is in addition to any other penalty assessed by the
1315 Governor and Cabinet pursuant to subsection (10).

1316 Section 17. Section 112.324, Florida Statutes, is amended
1317 to read:

1318 112.324 Procedures on complaints of violations and
1319 referrals; public records and meeting exemptions.—

1320 ~~(1) Upon a written complaint executed on a form prescribed~~
1321 ~~by the commission and signed under oath or affirmation by any~~
1322 ~~person,~~ The commission shall investigate an any alleged
1323 violation of this part or any other alleged breach of the public
1324 trust within the jurisdiction of the commission as provided in
1325 s. 8(f), Art. II of the State Constitution: in accordance with
1326 procedures set forth herein.

1327 (a) Upon a written complaint executed on a form prescribed
1328 by the commission and signed under oath of affirmation by any
1329 person; or

1330 (b) Upon receipt of a written referral of a possible
1331 violation of this part or other possible breach of the public
1332 trust from the Governor, the Department of Law Enforcement, a
1333 state attorney, or a United States Attorney which at least six



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1334 members of the commission determine is sufficient to indicate a
1335 violation of this part or any other breach of the public trust.

1336
1337 Within 5 days after receipt of a complaint by the commission or
1338 a determination by at least six members of the commission that
1339 the referral received is deemed sufficient, a copy shall be
1340 transmitted to the alleged violator.

1341 (2) (a) The complaint and records relating to the complaint
1342 or to any preliminary investigation held by the commission or
1343 its agents, by a Commission on Ethics and Public Trust
1344 established by any county defined in s. 125.011(1) or by any
1345 municipality defined in s. 165.031, or by any county or
1346 municipality that has established a local investigatory process
1347 to enforce more stringent standards of conduct and disclosure
1348 requirements as provided in s. 112.326 are confidential and
1349 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1350 of the State Constitution.

1351 (b) Any proceeding conducted by the commission, a
1352 Commission on Ethics and Public Trust, or a county or
1353 municipality that has established such local investigatory
1354 process, pursuant to a complaint or preliminary investigation,
1355 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1356 the State Constitution, and s. 120.525.

1357 (c) The exemptions in paragraphs (a) and (b) apply until
1358 the complaint is dismissed as legally insufficient, until the
1359 alleged violator requests in writing that such records and
1360 proceedings be made public, or until the commission, a
1361 Commission on Ethics and Public Trust, or a county or
1362 municipality that has established such local investigatory



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1363 process determines, based on such investigation, whether
1364 probable cause exists to believe that a violation has occurred.
1365 ~~In no event shall~~ A complaint or referral under this part
1366 against a candidate in any general, special, or primary election
1367 may not be filed nor may ~~or~~ any intention of filing such a
1368 complaint or referral be disclosed on the day of any such
1369 election or within the 30 ~~5~~ days immediately preceding the date
1370 of the election, unless the complaint or referral is based upon
1371 personal information or information other than hearsay.

1372 (d) This subsection is subject to the Open Government
1373 Sunset Review Act in accordance with s. 119.15 and shall stand
1374 repealed on October 2, 2015, unless reviewed and saved from
1375 repeal through reenactment by the Legislature.

1376 (3) A preliminary investigation shall be undertaken by the
1377 commission of each legally sufficient complaint or referral over
1378 which the commission has jurisdiction to determine whether there
1379 is probable cause to believe that a violation has occurred. If,
1380 upon completion of the preliminary investigation, the commission
1381 finds no probable cause to believe that this part has been
1382 violated or that any other breach of the public trust has been
1383 committed, the commission shall dismiss the complaint or
1384 referral with the issuance of a public report to the complainant
1385 and the alleged violator, stating with particularity its reasons
1386 for dismissal ~~of the complaint~~. At that time, the complaint or
1387 referral and all materials relating to the complaint or referral
1388 shall become a matter of public record. If the commission finds
1389 from the preliminary investigation probable cause to believe
1390 that this part has been violated or that any other breach of the
1391 public trust has been committed, it shall so notify the



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1392 complainant and the alleged violator in writing. Such
1393 notification and all documents made or received in the
1394 disposition of the complaint or referral shall then become
1395 public records. Upon request submitted to the commission in
1396 writing, any person who the commission finds probable cause to
1397 believe has violated any provision of this part or has committed
1398 any other breach of the public trust shall be entitled to a
1399 public hearing. Such person shall be deemed to have waived the
1400 right to a public hearing if the request is not received within
1401 14 days following the mailing of the probable cause notification
1402 required by this subsection. However, the commission may on its
1403 own motion, require a public hearing, may conduct such further
1404 investigation as it deems necessary, and may enter into such
1405 stipulations and settlements as it finds to be just and in the
1406 best interest of the state. The commission is without
1407 jurisdiction to, and no respondent may voluntarily or
1408 involuntarily, enter into a stipulation or settlement which
1409 imposes any penalty, including, but not limited to, a sanction
1410 or admonition or any other penalty contained in s. 112.317.
1411 Penalties shall be imposed only by the appropriate disciplinary
1412 authority as designated in this section.

1413 (4) If, in cases pertaining to members of the Legislature,
1414 upon completion of a full and final investigation by the
1415 commission, the commission finds that there has been a violation
1416 of this part or of any provision of s. 8, Art. II of the State
1417 Constitution, the commission shall forward a copy of the
1418 complaint or referral and its findings by certified mail to the
1419 President of the Senate or the Speaker of the House of
1420 Representatives, whichever is applicable, who shall refer the



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1421 complaint or referral to the appropriate committee for
1422 investigation and action which shall be governed by the rules of
1423 its respective house. It is ~~shall be~~ the duty of the committee
1424 to report its final action upon the matter ~~complaint~~ to the
1425 commission within 90 days of the date of transmittal to the
1426 respective house. Upon request of the committee, the commission
1427 shall submit a recommendation as to what penalty, if any, should
1428 be imposed. In the case of a member of the Legislature, the
1429 house in which the member serves has ~~shall have~~ the power to
1430 invoke the penalty provisions of this part.

1431 (5) If, in cases ~~pertaining to complaints~~ against
1432 impeachable officers, upon completion of a full and final
1433 investigation by the commission, the commission finds that there
1434 has been a violation of this part or of any provision of s. 8,
1435 Art. II of the State Constitution, and the commission finds that
1436 the violation may constitute grounds for impeachment, the
1437 commission shall forward a copy of the complaint or referral and
1438 its findings by certified mail to the Speaker of the House of
1439 Representatives, who shall refer the complaint or referral to
1440 the appropriate committee for investigation and action which
1441 shall be governed by the rules of the House of Representatives.
1442 It is ~~shall be~~ the duty of the committee to report its final
1443 action upon the matter ~~complaint~~ to the commission within 90
1444 days of the date of transmittal.

1445 (6) If the commission finds that there has been a violation
1446 of this part or of any provision of s. 8, Art. II of the State
1447 Constitution by an impeachable officer other than the Governor,
1448 and the commission recommends public censure and reprimand,
1449 forfeiture of a portion of the officer's salary, a civil



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1450 penalty, or restitution, the commission shall report its
1451 findings and recommendation of disciplinary action to the
1452 Governor, who has ~~shall have~~ the power to invoke the penalty
1453 provisions of this part.

1454 (7) If the commission finds that there has been a violation
1455 of this part or of any provision of s. 8, Art. II of the State
1456 Constitution by the Governor, and the commission recommends
1457 public censure and reprimand, forfeiture of a portion of the
1458 Governor's salary, a civil penalty, or restitution, the
1459 commission shall report its findings and recommendation of
1460 disciplinary action to the Attorney General, who shall have the
1461 power to invoke the penalty provisions of this part.

1462 (8) If, in cases ~~pertaining to complaints~~ other than
1463 complaints or referrals against impeachable officers or members
1464 of the Legislature, upon completion of a full and final
1465 investigation by the commission, the commission finds that there
1466 has been a violation of this part or of s. 8, Art. II of the
1467 State Constitution, it is ~~shall be~~ the duty of the commission to
1468 report its findings and recommend appropriate action to the
1469 proper disciplinary official or body as follows, and such
1470 official or body has ~~shall have~~ the power to invoke the penalty
1471 provisions of this part, including the power to order the
1472 appropriate elections official to remove a candidate from the
1473 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1474 II of the State Constitution:

1475 (a) The President of the Senate and the Speaker of the
1476 House of Representatives, jointly, in any case concerning the
1477 Public Counsel, members of the Public Service Commission,
1478 members of the Public Service Commission Nominating Council, the



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1479 Auditor General, or the director of the Office of Program Policy
1480 Analysis and Government Accountability.

1481 (b) The Supreme Court, in any case concerning an employee
1482 of the judicial branch.

1483 (c) The President of the Senate, in any case concerning an
1484 employee of the Senate; the Speaker of the House of
1485 Representatives, in any case concerning an employee of the House
1486 of Representatives; or the President and the Speaker, jointly,
1487 in any case concerning an employee of a committee of the
1488 Legislature whose members are appointed solely by the President
1489 and the Speaker or in any case concerning an employee of the
1490 Public Counsel, Public Service Commission, Auditor General, or
1491 Office of Program Policy Analysis and Government Accountability.

1492 (d) Except as otherwise provided by this part, the
1493 Governor, in the case of any other public officer, public
1494 employee, former public officer or public employee, candidate or
1495 former candidate, or person who is not a public officer or
1496 employee, other than lobbyists and lobbying firms under s.
1497 112.3215 for violations of s. 112.3215.

1498 (e) The President of the Senate or the Speaker of the House
1499 of Representatives, whichever is applicable, in any case
1500 concerning a former member of the Legislature who has violated a
1501 provision applicable to former members or whose violation
1502 occurred while a member of the Legislature.

1503 (9) In addition to reporting its findings to the proper
1504 disciplinary body or official, the commission shall report these
1505 findings to the state attorney or any other appropriate official
1506 or agency having authority to initiate prosecution when
1507 violation of criminal law is indicated.



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1508 (10) Notwithstanding the foregoing procedures of this
1509 section, a sworn complaint against any member or employee of the
1510 Commission on Ethics for violation of this part or of s. 8, Art.
1511 II of the State Constitution shall be filed with the President
1512 of the Senate and the Speaker of the House of Representatives.
1513 Each presiding officer shall, after determining that there are
1514 sufficient grounds for review, appoint three members of their
1515 respective bodies to a special joint committee who shall
1516 investigate the complaint. The members shall elect a chair from
1517 among their number. If the special joint committee finds
1518 insufficient evidence to establish probable cause to believe a
1519 violation of this part or of s. 8, Art. II of the State
1520 Constitution has occurred, it shall dismiss the complaint. If,
1521 upon completion of its preliminary investigation, the committee
1522 finds sufficient evidence to establish probable cause to believe
1523 a violation has occurred, the chair thereof shall transmit such
1524 findings to the Governor who shall convene a meeting of the
1525 Governor, the President of the Senate, the Speaker of the House
1526 of Representatives, and the Chief Justice of the Supreme Court
1527 to take such final action on the complaint as they shall deem
1528 appropriate, consistent with the penalty provisions of this
1529 part. Upon request of a majority of the Governor, the President
1530 of the Senate, the Speaker of the House of Representatives, and
1531 the Chief Justice of the Supreme Court, the special joint
1532 committee shall submit a recommendation as to what penalty, if
1533 any, should be imposed.

1534 (11) (a) Notwithstanding subsections (1)-(8), the commission
1535 shall dismiss any complaint or referral at any stage of
1536 disposition should it determine that the violation that is



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1537 alleged or has occurred is a de minimis violation attributable
1538 to inadvertent or unintentional error. In determining whether a
1539 violation was de minimis, the commission shall consider whether
1540 the interests of the public were protected despite the
1541 violation. This subsection does not apply to complaints or
1542 referrals pursuant to ss. 112.3144 and 112.3145.

1543 (b) For the purposes of this subsection, a de minimis
1544 violation is any violation that is unintentional and not
1545 material in nature.

1546 (12)-(11) Notwithstanding the provisions of subsections (1)-
1547 (8), the commission may, at its discretion, dismiss any
1548 complaint or referral at any stage of disposition should it
1549 determine that the public interest would not be served by
1550 proceeding further, in which case the commission shall issue a
1551 public report stating with particularity its reasons for the
1552 dismissal.

1553 Section 18. For the purpose of incorporating the amendment
1554 made by this act to section 112.3143, Florida Statutes, in a
1555 reference thereto, subsection (1) of section 120.665, Florida
1556 Statutes, is reenacted to read:

1557 120.665 Disqualification of agency personnel.—

1558 (1) Notwithstanding the provisions of s. 112.3143, any
1559 individual serving alone or with others as an agency head may be
1560 disqualified from serving in an agency proceeding for bias,
1561 prejudice, or interest when any party to the agency proceeding
1562 shows just cause by a suggestion filed within a reasonable
1563 period of time prior to the agency proceeding. If the
1564 disqualified individual was appointed, the appointing power may
1565 appoint a substitute to serve in the matter from which the



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1566 individual is disqualified. If the individual is an elected
1567 official, the Governor may appoint a substitute to serve in the
1568 matter from which the individual is disqualified. However, if a
1569 quorum remains after the individual is disqualified, it shall
1570 not be necessary to appoint a substitute.

1571 Section 19. For the purpose of incorporating the amendment
1572 made by this act to section 112.3143, Florida Statutes, in a
1573 reference thereto, section 286.012, Florida Statutes, is
1574 reenacted to read:

1575 286.012 Voting requirement at meetings of governmental
1576 bodies.—No member of any state, county, or municipal
1577 governmental board, commission, or agency who is present at any
1578 meeting of any such body at which an official decision, ruling,
1579 or other official act is to be taken or adopted may abstain from
1580 voting in regard to any such decision, ruling, or act; and a
1581 vote shall be recorded or counted for each such member present,
1582 except when, with respect to any such member, there is, or
1583 appears to be, a possible conflict of interest under the
1584 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1585 cases, said member shall comply with the disclosure requirements
1586 of s. 112.3143.

1587 Section 20. For the purpose of incorporating the amendment
1588 made by this act to section 112.324, Florida Statutes, in a
1589 reference thereto, section 287.175, Florida Statutes, is
1590 reenacted to read:

1591 287.175 Penalties.—A violation of this part or a rule
1592 adopted hereunder, pursuant to applicable constitutional and
1593 statutory procedures, constitutes misuse of public position as
1594 defined in s. 112.313(6), and is punishable as provided in s.



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1595 112.317. The Chief Financial Officer shall report incidents of
1596 suspected misuse to the Commission on Ethics, and the commission
1597 shall investigate possible violations of this part or rules
1598 adopted hereunder when reported by the Chief Financial Officer,
1599 notwithstanding the provisions of s. 112.324. Any violation of
1600 this part or a rule adopted hereunder shall be presumed to have
1601 been committed with wrongful intent, but such presumption is
1602 rebuttable. Nothing in this section is intended to deny rights
1603 provided to career service employees by s. 110.227.

1604 Section 21. Paragraph (c) of subsection (1) of section
1605 288.901, Florida Statutes, is amended to read:

1606 288.901 Enterprise Florida, Inc.—

1607 (1) CREATION.—

1608 (c) The Legislature determines that it is in the public
1609 interest for the members of Enterprise Florida, Inc., board of
1610 directors to be subject to the requirements of ss. 112.3135,
1611 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1612 notwithstanding the fact that the board members are not public
1613 officers or employees. For purposes of those sections, the board
1614 members shall be considered to be public officers or employees.
1615 The exemption set forth in s. 112.313(12) for advisory boards
1616 applies to the members of Enterprise Florida, Inc., board of
1617 directors. Further, each member of the board of directors who is
1618 not otherwise required to file financial disclosures pursuant to
1619 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1620 file disclosure of financial interests pursuant to s. 112.3145.

1621 Section 22. Subsection (1) of section 445.007, Florida
1622 Statutes, is reenacted for the purpose of incorporating the
1623 amendment made by this act to section 112.3143, Florida



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1624 Statutes, in a reference thereto, and subsection (11) of that
1625 section is amended, to read:

1626 445.007 Regional workforce boards.—

1627 (1) One regional workforce board shall be appointed in each
1628 designated service delivery area and shall serve as the local
1629 workforce investment board pursuant to Pub. L. No. 105-220. The
1630 membership of the board shall be consistent with Pub. L. No.
1631 105-220, Title I, s. 117(b) but may not exceed the minimum
1632 membership required in Pub. L. No. 105-220, Title I, s.
1633 117(b) (2) (A) and in this subsection. Upon approval by the
1634 Governor, the chief elected official may appoint additional
1635 members above the limit set by this subsection. If a public
1636 education or training provider is represented on the board, a
1637 representative of a private nonprofit provider and a
1638 representative of a private for-profit provider must also be
1639 appointed to the board. The board shall include one nonvoting
1640 representative from a military installation if a military
1641 installation is located within the region and the appropriate
1642 military command or organization authorizes such representation.
1643 It is the intent of the Legislature that membership of a
1644 regional workforce board include persons who are current or
1645 former recipients of welfare transition assistance as defined in
1646 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1647 or that such persons be included as ex officio members of the
1648 board or of committees organized by the board. The importance of
1649 minority and gender representation shall be considered when
1650 making appointments to the board. The board, its committees,
1651 subcommittees, and subdivisions, and other units of the
1652 workforce system, including units that may consist in whole or



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1653 in part of local governmental units, may use any method of
1654 telecommunications to conduct meetings, including establishing a
1655 quorum through telecommunications, provided that the public is
1656 given proper notice of the telecommunications meeting and
1657 reasonable access to observe and, when appropriate, participate.
1658 Regional workforce boards are subject to chapters 119 and 286
1659 and s. 24, Art. I of the State Constitution. If the regional
1660 workforce board enters into a contract with an organization or
1661 individual represented on the board of directors, the contract
1662 must be approved by a two-thirds vote of the board, a quorum
1663 having been established, and the board member who could benefit
1664 financially from the transaction must abstain from voting on the
1665 contract. A board member must disclose any such conflict in a
1666 manner that is consistent with the procedures outlined in s.
1667 112.3143. Each member of a regional workforce board who is not
1668 otherwise required to file a full and public disclosure of
1669 financial interests pursuant to s. 8, Art. II of the State
1670 Constitution or s. 112.3144 shall file a statement of financial
1671 interests pursuant to s. 112.3145. The executive director or
1672 designated person responsible for the operational and
1673 administrative functions of the regional workforce board who is
1674 not otherwise required to file a full and public disclosure of
1675 financial interests pursuant to s. 8, Art. II of the State
1676 Constitution or s. 112.3144 shall file a statement of financial
1677 interests pursuant to s. 112.3145.

1678 (11) To increase transparency and accountability, a
1679 regional workforce board must comply with the requirements of
1680 this section before contracting with a member of the board or a
1681 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a



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1682 board member or of an employee of the board. Such contracts may
1683 not be executed before or without the approval of Workforce
1684 Florida, Inc. Such contracts, as well as documentation
1685 demonstrating adherence to this section as specified by
1686 Workforce Florida, Inc., must be submitted to the Department of
1687 Economic Opportunity for review and recommendation according to
1688 criteria to be determined by Workforce Florida, Inc. Such a
1689 contract must be approved by a two-thirds vote of the board, a
1690 quorum having been established; all conflicts of interest must
1691 be disclosed before the vote; and any member who may benefit
1692 from the contract, or whose relative may benefit from the
1693 contract, must abstain from the vote. A contract under \$25,000
1694 between a regional workforce board and a member of that board or
1695 between a relative, as defined in s. 112.3143(1)(c)
1696 ~~112.3143(1)(b)~~, of a board member or of an employee of the board
1697 is not required to have the prior approval of Workforce Florida,
1698 Inc., but must be approved by a two-thirds vote of the board, a
1699 quorum having been established, and must be reported to the
1700 Department of Economic Opportunity and Workforce Florida, Inc.,
1701 within 30 days after approval. If a contract cannot be approved
1702 by Workforce Florida, Inc., a review of the decision to
1703 disapprove the contract may be requested by the regional
1704 workforce board or other parties to the disapproved contract.

1705 Section 23. For the purpose of incorporating the amendment
1706 made by this act to section 112.3143, Florida Statutes, in a
1707 reference thereto, paragraph (m) of subsection (5) of section
1708 627.311, Florida Statutes, is reenacted to read:

1709 627.311 Joint underwriters and joint reinsurers; public
1710 records and public meetings exemptions.—



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1711 (5)
1712 (m) Senior managers and officers, as defined in the plan of
1713 operation, and members of the board of governors are subject to
1714 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1715 112.316, and 112.317. Senior managers, officers, and board
1716 members are also required to file such disclosures with the
1717 Commission on Ethics and the Office of Insurance Regulation. The
1718 executive director of the plan or his or her designee shall
1719 notify each newly appointed and existing appointed member of the
1720 board of governors, senior manager, and officer of his or her
1721 duty to comply with the reporting requirements of s. 112.3145.
1722 At least quarterly, the executive director of the plan or his or
1723 her designee shall submit to the Commission on Ethics a list of
1724 names of the senior managers, officers, and members of the board
1725 of governors who are subject to the public disclosure
1726 requirements under s. 112.3145. Notwithstanding s. 112.313, an
1727 employee, officer, owner, or director of an insurance agency,
1728 insurance company, or other insurance entity may be a member of
1729 the board of governors unless such employee, officer, owner, or
1730 director of an insurance agency, insurance company, other
1731 insurance entity, or an affiliate provides policy issuance,
1732 policy administration, underwriting, claims handling, or payroll
1733 audit services. Notwithstanding s. 112.3143, such board member
1734 may not participate in or vote on a matter if the insurance
1735 agency, insurance company, or other insurance entity would
1736 obtain a special or unique benefit that would not apply to other
1737 similarly situated insurance entities.

1738 Section 24. For the purpose of incorporating the amendment
1739 made to this act to section 112.3143, Florida Statutes, in a



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1740 reference thereto, paragraph (d) of subsection (6) of section
1741 627.351, Florida Statutes, is reenacted to read:

1742 627.351 Insurance risk apportionment plans.—

1743 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1744 (d)1. All prospective employees for senior management
1745 positions, as defined by the plan of operation, are subject to
1746 background checks as a prerequisite for employment. The office
1747 shall conduct the background checks pursuant to ss. 624.34,
1748 624.404(3), and 628.261.

1749 2. On or before July 1 of each year, employees of the
1750 corporation must sign and submit a statement attesting that they
1751 do not have a conflict of interest, as defined in part III of
1752 chapter 112. As a condition of employment, all prospective
1753 employees must sign and submit to the corporation a conflict-of-
1754 interest statement.

1755 3. Senior managers and members of the board of governors
1756 are subject to part III of chapter 112, including, but not
1757 limited to, the code of ethics and public disclosure and
1758 reporting of financial interests, pursuant to s. 112.3145.
1759 Notwithstanding s. 112.3143(2), a board member may not vote on
1760 any measure that would inure to his or her special private gain
1761 or loss; that he or she knows would inure to the special private
1762 gain or loss of any principal by whom he or she is retained or
1763 to the parent organization or subsidiary of a corporate
1764 principal by which he or she is retained, other than an agency
1765 as defined in s. 112.312; or that he or she knows would inure to
1766 the special private gain or loss of a relative or business
1767 associate of the public officer. Before the vote is taken, such
1768 member shall publicly state to the assembly the nature of his or



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1769 her interest in the matter from which he or she is abstaining
1770 from voting and, within 15 days after the vote occurs, disclose
1771 the nature of his or her interest as a public record in a
1772 memorandum filed with the person responsible for recording the
1773 minutes of the meeting, who shall incorporate the memorandum in
1774 the minutes. Senior managers and board members are also required
1775 to file such disclosures with the Commission on Ethics and the
1776 Office of Insurance Regulation. The executive director of the
1777 corporation or his or her designee shall notify each existing
1778 and newly appointed member of the board of governors and senior
1779 managers of their duty to comply with the reporting requirements
1780 of part III of chapter 112. At least quarterly, the executive
1781 director or his or her designee shall submit to the Commission
1782 on Ethics a list of names of the senior managers and members of
1783 the board of governors who are subject to the public disclosure
1784 requirements under s. 112.3145.

1785 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1786 provision of law, an employee or board member may not knowingly
1787 accept, directly or indirectly, any gift or expenditure from a
1788 person or entity, or an employee or representative of such
1789 person or entity, which has a contractual relationship with the
1790 corporation or who is under consideration for a contract. An
1791 employee or board member who fails to comply with subparagraph
1792 3. or this subparagraph is subject to penalties provided under
1793 ss. 112.317 and 112.3173.

1794 5. Any senior manager of the corporation who is employed on
1795 or after January 1, 2007, regardless of the date of hire, who
1796 subsequently retires or terminates employment is prohibited from
1797 representing another person or entity before the corporation for



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1798 2 years after retirement or termination of employment from the
1799 corporation.

1800 6. Any senior manager of the corporation who is employed on
1801 or after January 1, 2007, regardless of the date of hire, who
1802 subsequently retires or terminates employment is prohibited from
1803 having any employment or contractual relationship for 2 years
1804 with an insurer that has entered into a take-out bonus agreement
1805 with the corporation.

1806 Section 25. This act shall take effect upon becoming a law.