

By the Committees on Rules; and Ethics and Elections; and
Senators Latvala, Gardiner, Thrasher, Legg, Lee, Benacquisto,
Flores, and Diaz de la Portilla

595-01715A-13

20132c1

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312, F.S.;
3 revising definitions; creating s. 112.3125, F.S.;
4 defining the term "public officer"; prohibiting public
5 officers from accepting additional employment with the
6 state or any of its political subdivisions under
7 specified conditions; amending s. 112.313, F.S.;
8 providing that a member of the Legislature may not
9 personally represent another person or entity for
10 compensation before any state agency for a period of 2
11 years following vacation of office; providing
12 exceptions; providing that no member of the
13 Legislature may associate as a partner, principal, or
14 employee of a firm whose primary purpose is lobbying
15 the Legislature within the first 2 years after
16 vacation of office under specified conditions;
17 establishing filing requirements for a sworn
18 statement; specifying applicability of amendments made
19 by the act; creating s. 112.3142, F.S.; defining the
20 term "constitutional officers"; requiring
21 constitutional officers to complete annual ethics
22 training; specifying requirements for ethics training;
23 requiring the commission to adopt rules to establish
24 minimum course content; requiring each house of the
25 Legislature to provide for ethics training pursuant to
26 its rules; creating s. 112.31425, F.S.; providing
27 legislative findings; providing that holding an
28 economic interest in a qualified blind trust is not a
29 prohibited conflict of interest; providing that a

595-01715A-13

20132c1

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

595-01715A-13

20132c1

59 interests of a qualified candidate to the commission;
60 providing timeframes for the filing of certain
61 complaints; authorizing filing individuals to file an
62 amended statement during a specified timeframe under
63 specified conditions; authorizing the commission to
64 immediately follow complaint procedures under
65 specified conditions; prohibiting the commission from
66 taking action on complaints alleging immaterial,
67 inconsequential, or de minimis errors or omissions;
68 providing what constitutes an immaterial,
69 inconsequential, or de minimis error or omission;
70 authorizing an individual required to file a
71 disclosure to have the statement prepared by a
72 certified public accountant; requiring a certified
73 public accountant to sign the completed disclosure
74 form to indicate compliance with applicable
75 requirements and that the disclosure is true and
76 correct based on reasonable knowledge and belief;
77 requiring the commission to determine if a certified
78 public accountant failed to disclose information
79 provided by the filing individual on the filed
80 statement; providing that the failure of the certified
81 public accountant to accurately transcribe information
82 provided by the filing individual does not constitute
83 a violation; authorizing an elected officer or
84 candidate to use funds in an office account or
85 campaign depository to pay a certified public
86 accountant for preparing a disclosure; creating s.
87 112.31445, F.S.; providing a definition for

595-01715A-13

20132c1

88 "electronic filing system"; requiring all disclosures
89 of financial interests filed with the commission to be
90 scanned and made publicly available on a searchable
91 Internet database beginning with the 2012 filing year;
92 requiring the commission to submit a proposal to the
93 President of the Senate and the Speaker of the House
94 of Representatives for a mandatory electronic filing
95 system by a specified date; establishing minimum
96 requirements for the commission's proposal; amending
97 s. 112.3145, F.S.; revising the definitions of "local
98 officer" and "specified state employee"; revising
99 procedures for the filing of a statement of financial
100 interests with a candidate's qualifying papers;
101 requiring a person filing a statement of financial
102 interest to indicate the method of reporting income;
103 providing timeframes for the filing of certain
104 complaints; authorizing filing individuals to file an
105 amended statement during a specified timeframe under
106 specified conditions; authorizing the commission to
107 immediately follow complaint procedures under
108 specified conditions; prohibiting the commission from
109 taking action on complaints alleging immaterial,
110 inconsequential, or de minimis errors or omissions;
111 providing what constitutes an immaterial,
112 inconsequential, or de minimis error or omission;
113 authorizing an individual required to file a
114 disclosure to have the statement prepared by a
115 certified public accountant; requiring a certified
116 public accountant to sign the completed disclosure

595-01715A-13

20132c1

117 form to indicate compliance with applicable
118 requirements and that the disclosure is true and
119 correct based on reasonable knowledge and belief;
120 requiring the commission to determine if a certified
121 public accountant failed to disclose information
122 provided by the filing individual on the filed
123 statement; providing that the failure of the certified
124 public account to accurately transcribe information
125 provided by the filing individual does not constitute
126 a violation; authorizing an elected officer or
127 candidate to use funds in an office account or
128 campaign depository to pay a certified public
129 accountant for preparing a disclosure; creating s.
130 112.31455, F.S.; requiring the commission to attempt
131 to determine whether an individual owing certain fines
132 is a current public officer or public employee;
133 authorizing the commission to notify the Chief
134 Financial Officer or the governing body of a county,
135 municipality, or special district of the total amount
136 of any fine owed to the commission by such
137 individuals; requiring that the Chief Financial
138 Officer or the governing body of a county,
139 municipality, or special district begin withholding
140 portions of any salary payment that would otherwise be
141 paid to the current public officer or public employee;
142 requiring that the withheld payments be remitted to
143 the commission until the fine is satisfied;
144 authorizing the Chief Financial Officer or the
145 governing body to retain a portion of payment for

595-01715A-13

20132c1

146 administrative costs; authorizing collection methods
147 for the commission or the Department of Financial
148 Services for individuals who are no longer public
149 officers or public employees; authorizing the
150 commission to contract with a collection agency;
151 authorizing a collection agency to utilize collection
152 methods authorized by law; authorizing the commission
153 to collect an unpaid fine within a specified period of
154 issuance of the final order; amending s. 112.3147,
155 F.S.; providing an exception to the requirement that
156 all forms be prescribed by the commission; amending s.
157 112.3148, F.S.; revising the definition of
158 "procurement employee"; creating a definition for
159 "vendor"; prohibiting a reporting individual or
160 procurement employee from soliciting or knowingly
161 accepting a gift from a vendor; deleting references to
162 political committees and committees of continuous
163 existence; creating s. 112.31485, F.S.; providing
164 definitions for "gift" and "immediate family";
165 prohibiting a reporting individual or procurement
166 employee or a member of his or her immediate family
167 from soliciting or knowingly accepting any gift from a
168 political committee or committee of continuous
169 existence; prohibiting a political committee or
170 committee of continuous existence from giving any gift
171 to a reporting individual or procurement employee or a
172 member of his or her immediate family; providing
173 penalties for a violation; requiring that individuals
174 who violate this section be held personally liable;

595-01715A-13

20132c1

175 amending s. 112.3149, F.S.; revising the definition of
176 "procurement employee"; creating a definition for
177 "vendor"; prohibiting a reporting individual or
178 procurement employee from knowingly accepting an
179 honorarium from a vendor; prohibiting a vendor from
180 giving an honorarium to a reporting individual or
181 procurement employee; amending s. 112.317, F.S.;
182 making technical changes; amending s. 112.3215, F.S.;
183 authorizing the commission to investigate sworn
184 complaints alleging a prohibited expenditure;
185 authorizing the commission to investigate a lobbyist
186 or principal upon a sworn complaint or random audit;
187 authorizing the Governor and Cabinet to assess a fine
188 on a lobbyist or principal under specified conditions;
189 providing a civil penalty; amending s. 112.324, F.S.;
190 authorizing specified parties to submit written
191 referrals of a possible violation of the Code of
192 Ethics for Public Officers and Employees or other
193 possible breaches of the public trust to the
194 Commission on Ethics; establishing procedures for the
195 receipt of written referrals by the commission;
196 extending the period in which the disclosure of the
197 intent to file or the filing of a complaint against a
198 candidate is prohibited; providing exceptions;
199 requiring the commission to dismiss a complaint of a
200 de minimis violation; providing exceptions; defining a
201 de minimis violation; reenacting s. 120.665, F.S.,
202 relating to disqualification of agency personnel, to
203 incorporate the amendments to s. 112.3143, F.S., in a

595-01715A-13

20132c1

204 reference thereto; reenacting s. 286.012, F.S.,
205 relating to voting requirements at meetings of
206 governmental bodies, to incorporate the amendments
207 made to s. 112.3143, F.S., in a reference thereto;
208 reenacting s. 287.175, F.S., relating to penalties, to
209 incorporate the amendments made to s. 112.324, F.S.,
210 in a reference thereto; amending s. 288.901, F.S.;
211 correcting a cross-reference; amending s. 445.007,
212 F.S., and reenacting subsection (1) of that section,
213 relating to regional workforce boards, to incorporate
214 the amendments made to s. 112.3143, F.S., in a
215 reference thereto; correcting cross-references;
216 reenacting s. 627.311(5)(m), F.S., relating to joint
217 underwriters and joint reinsurers, to incorporate the
218 amendments made to s. 112.3143, F.S., in a reference
219 thereto; reenacting s. 627.351(6)(d), F.S., relating
220 to Citizens Property Insurance Corporation, to
221 incorporate the amendments made to s. 112.3143, F.S.;
222 providing an effective date.

223

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

225

226 Section 1. Subsection (5) and paragraph (b) of subsection
227 (12) of section 112.312, Florida Statutes, is amended to read:
228 112.312 Definitions.—As used in this part and for purposes
229 of the provisions of s. 8, Art. II of the State Constitution,
230 unless the context otherwise requires:

231 (5) "Business entity" means any corporation, partnership,
232 limited partnership, company, limited liability company,

595-01715A-13

20132c1

233 proprietorship, firm, enterprise, franchise, association, self-
234 employed individual, or trust, whether fictitiously named or
235 not, doing business in this state.

236 (12)

237 (b) "Gift" does not include:

238 1. Salary, benefits, services, fees, commissions, gifts, or
239 expenses associated primarily with the donee's employment,
240 business, or service as an officer or director of a corporation
241 or organization.

242 2. Except as provided in s. 112.31485, contributions or
243 expenditures reported pursuant to chapter 106, contributions or
244 expenditures reported pursuant to federal election law,
245 campaign-related personal services provided without compensation
246 by individuals volunteering their time, or any other
247 contribution or expenditure by a political party or affiliated
248 party committee.

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

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

254 5. An honorary membership in a service or fraternal
255 organization presented merely as a courtesy by such
256 organization.

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

259 7. Transportation provided to a public officer or employee
260 by an agency in relation to officially approved governmental
261 business.

595-01715A-13

20132c1

262 8. Gifts provided directly or indirectly by a state,
263 regional, or national organization which promotes the exchange
264 of ideas between, or the professional development of,
265 governmental officials or employees, and whose membership is
266 primarily composed of elected or appointed public officials or
267 staff, to members of that organization or officials or staff of
268 a governmental agency that is a member of that organization.

269 Section 2. Section 112.3125, Florida Statutes, is created
270 to read:

271 112.3125 Dual public employment.-

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

276 (2) A public officer may not accept public employment with
277 the state or any of its political subdivisions if the public
278 officer knows, or with the exercise of reasonable care should
279 know, that the position is being offered by the employer for the
280 purpose of gaining influence or other advantage based on the
281 public officer's office or candidacy.

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

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

287 2. The position was publicly advertised;

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

290 4. The public officer meets or exceeds the required

595-01715A-13

20132c1

291 qualifications for the position.

292 (4) A person who was employed by the state or any of its
293 political subdivisions before qualifying as a public officer for
294 his or her current term of office or the next available term of
295 office may continue his or her employment. However, he or she
296 may not accept promotion, advancement, additional compensation,
297 or anything of value that he or she knows, or with the exercise
298 of reasonable care should know, is provided or given as a result
299 of his or her election or position, or that is otherwise
300 inconsistent with the promotion, advancement, additional
301 compensation, or anything of value provided or given an employee
302 who is similarly situated.

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

305 Section 3. Paragraph (a) of subsection (9) of section
306 112.313, Florida Statutes, is amended to read:

307 112.313 Standards of conduct for public officers, employees
308 of agencies, and local government attorneys.—

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

311 (a)1. It is the intent of the Legislature to implement by
312 statute the provisions of s. 8(e), Art. II of the State
313 Constitution relating to legislators, statewide elected
314 officers, appointed state officers, and designated public
315 employees.

316 2. As used in this paragraph:

317 a. "Employee" means:

318 (I) Any person employed in the executive or legislative
319 branch of government holding a position in the Senior Management

595-01715A-13

20132c1

320 Service as defined in s. 110.402 or any person holding a
321 position in the Selected Exempt Service as defined in s. 110.602
322 or any person having authority over policy or procurement
323 employed by the Department of the Lottery.

324 (II) The Auditor General, the director of the Office of
325 Program Policy Analysis and Government Accountability, the
326 Sergeant at Arms and Secretary of the Senate, and the Sergeant
327 at Arms and Clerk of the House of Representatives.

328 (III) The executive director and deputy executive director
329 of the Commission on Ethics.

330 (IV) An executive director, staff director, or deputy staff
331 director of each joint committee, standing committee, or select
332 committee of the Legislature; an executive director, staff
333 director, executive assistant, analyst, or attorney of the
334 Office of the President of the Senate, the Office of the Speaker
335 of the House of Representatives, the Senate Majority Party
336 Office, Senate Minority Party Office, House Majority Party
337 Office, or House Minority Party Office; or any person, hired on
338 a contractual basis, having the power normally conferred upon
339 such persons, by whatever title.

340 (V) The Chancellor and Vice Chancellors of the State
341 University System; the general counsel to the Board of Governors
342 of the State University System; and the president, provost, vice
343 presidents, and deans of each state university.

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

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

595-01715A-13

20132c1

349 of the executive or legislative branch of state government whose
350 powers, jurisdiction, and authority are not solely advisory and
351 include the final determination or adjudication of any personal
352 or property rights, duties, or obligations, other than those
353 relative to its internal operations.

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

357 3. No member of the Legislature, appointed state officer,
358 or statewide elected officer shall personally represent another
359 person or entity for compensation before the government body or
360 agency of which the individual was an officer or member for a
361 period of 2 years following vacation of office. No member of the
362 Legislature shall personally represent another person or entity
363 for compensation during his or her term of office, or for a
364 period of 2 years following vacation of office, before any state
365 agency other than judicial tribunals or in settlement
366 negotiations after the filing of a lawsuit. No member shall
367 associate as a partner, principal, employee of a firm, or
368 consultant for a period of 2 years following vacation of office
369 for the purpose of drafting, strategizing, consulting, advising
370 or in any way working on matters that will come before the
371 Legislature or provide networking or relationship building
372 services with sitting members of the Legislature. For purposes
373 of this prohibition, employment, partnership, or association
374 with a principal, firm, or entity whose primary purpose is
375 legislative lobbying is presumptively prohibited unless the
376 principal, firm, entity, or former member first receives an
377 advisory opinion from the commission finding that the proposed

595-01715A-13

20132c1

378 employment is in compliance with this section. If the primary
379 purpose of the employer, association or partnership, principal,
380 firm, or entity affiliating with the former member is
381 legislative lobbying, such entity must file annually a sworn
382 statement with the Secretary of the Senate or the Clerk of the
383 House of Representatives affirming that the former member did
384 not engage in any of the prohibited activities.

385 4. An agency employee, including an agency employee who was
386 employed on July 1, 2001, in a Career Service System position
387 that was transferred to the Selected Exempt Service System under
388 chapter 2001-43, Laws of Florida, may not personally represent
389 another person or entity for compensation before the agency with
390 which he or she was employed for a period of 2 years following
391 vacation of position, unless employed by another agency of state
392 government.

393 5. Any person violating this paragraph shall be subject to
394 the penalties provided in s. 112.317 and a civil penalty of an
395 amount equal to the compensation which the person receives for
396 the prohibited conduct.

397 6. This paragraph is not applicable to:

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

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

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

406 d. A person who has reached normal retirement age as

595-01715A-13

20132c1

407 defined in s. 121.021(29), and who has retired under the
408 provisions of chapter 121 by July 1, 1991; or

409 e. Any appointed state officer whose term of office began
410 before January 1, 1995, unless reappointed to that office on or
411 after January 1, 1995.

412 Section 4. The amendments made to paragraph (9)(a) of s.
413 112.313, Florida Statutes, by section 3 of this act, apply to
414 members of the Legislature who begin a new term of office after
415 the effective date of this act.

416 Section 5. Section 112.3142, Florida Statutes, is created
417 to read:

418 112.3142 Ethics training for specified constitutional
419 officers.—

420 (1) As used in this section, the term "constitutional
421 officers" includes the Governor, the Lieutenant Governor, the
422 Attorney General, the Chief Financial Officer, the Commissioner
423 of Agriculture, state attorneys, public defenders, sheriffs, tax
424 collectors, property appraisers, supervisors of elections,
425 clerks of the circuit court, county commissioners, district
426 school board members, and superintendents of schools.

427 (2)(a) All constitutional officers must complete 4 hours of
428 ethics training annually that addresses, at a minimum, s. 8,
429 Art. II of the State Constitution, the Code of Ethics for Public
430 Officers and Employees, and the public records and public
431 meetings laws of this state. This requirement may be satisfied
432 by completion of a continuing legal education class or other
433 continuing professional education class, seminar, or
434 presentation if the required subjects are covered.

435 (b) The commission shall adopt rules establishing minimum

595-01715A-13

20132c1

436 course content for the portion of an ethics training class that
437 addresses s. 8, Art. II of the State Constitution and the Code
438 of Ethics for Public Officers and Employees.

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

441 Section 6. Section 112.31425, Florida Statutes, is created
442 to read:

443 112.31425 Qualified blind trusts.-

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

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

451 112.313(3) or (7) or a voting conflict of interest under s.
452 112.3143 with regard to matters pertaining to that interest.

453 (3) The public officer may not attempt to influence or
454 exercise any control over decisions regarding the management of
455 assets in a qualified blind trust. The public officer or any
456 person having a beneficial interest in the qualified blind trust
457 may not make any effort to obtain information with respect to
458 the holdings of the trust, including obtaining a copy of any
459 trust tax return filed or any information relating thereto,
460 except as otherwise provided in this section.

461 (4) Except for communications that consist solely of
462 requests for distributions of cash or other unspecified assets
463 of the trust, the public officer or the person who has a
464 beneficial interest may not have any direct or indirect

595-01715A-13

20132c1

465 communication with the trustee with respect to the trust, unless
466 such communication is in writing and relates only to:

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

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

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

478 (d) A direction to the trustee to sell all of an asset
479 initially placed in the trust by the public officer which, in
480 the determination of the public officer, creates a conflict of
481 interest or the appearance thereof due to the subsequent
482 assumption of duties by the public officer.

483 (5) The public officer shall report the beneficial interest
484 in the qualified blind trust and its value as an asset on his or
485 her financial disclosure form, if the value is required to be
486 disclosed. The public officer shall report the blind trust as a
487 primary source of income on his or her financial disclosure
488 forms and its amount, if the amount of income is required to be
489 disclosed. The public officer is not required to report as a
490 secondary source of income any source of income to the blind
491 trust.

492 (6) In order to constitute a qualified blind trust, the
493 trust established by the public officer must meet the following

595-01715A-13

20132c1

494 requirements:

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

496 1. The public officer's spouse, child, parent, grandparent,
497 grandchild, brother, sister, parent-in-law, brother-in-law,
498 sister-in-law, aunt, uncle, or first cousin, or the spouse of
499 any such person;

500 2. A person who is an elected or appointed public officer
501 or a public employee; or

502 3. A person who has been appointed to serve in an agency by
503 the public officer or by a public officer or public employee
504 supervised by the public officer.

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

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

510 2. Give the trustee complete discretion to manage the
511 trust, including, but not limited to, the power to dispose of
512 and acquire trust assets without consulting or notifying the
513 covered public officer or the person having a beneficial
514 interest in the trust.

515 3. Prohibit communication between the trustee and the
516 public officer, or the person who has a beneficial interest in
517 the trust, concerning the holdings or sources of income of the
518 trust, except amounts of cash value or net income or loss, if
519 such report does not identify any asset or holding, or except as
520 provided in this section.

521 4. Provide that the trust tax return is prepared by the
522 trustee or his or her designee and that any information relating

595-01715A-13

20132c1

523 thereto is not disclosed to the public officer or to the person
524 who has a beneficial interest, except as provided in this
525 section.

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

531 6. Prohibit the trustee from disclosing to the public
532 officer or the person who has a beneficial interest any
533 information concerning replacement assets to the trust, except
534 for the minimum tax information that lists only the totals of
535 taxable items from the trust and does not describe the source of
536 individual items of income.

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

- 540 1. The date that the agreement is executed;
541 2. The name and address of the trustee; and
542 3. The acknowledgement by the trustee that he or she has
543 agreed to serve as trustee.

544 (7) If the trust is revoked while the covered public
545 official is a public officer, or if the covered public official
546 learns of any replacement assets that have been added to the
547 trust, the covered public official shall file an amendment to
548 his or her most recent financial disclosure statement. The
549 amendment shall be filed no later than 60 days after the date of
550 revocation or the addition of the replacement assets. The
551 covered public official shall disclose the previously unreported

595-01715A-13

20132c1

552 pro rata share of the trust's interests in investments or income
553 deriving from any such investments. For purposes of this
554 section, any replacement asset that becomes known to the covered
555 public official shall thereafter be treated as though it were an
556 original asset of the trust.

557 Section 7. Subsections (1) and (2) of section 112.3143,
558 Florida Statutes, are amended, current subsection (5) of that
559 section is renumbered as subsection (6), and a new subsection
560 (5) is added to that section, to read:

561 112.3143 Voting conflicts.—

562 (1) As used in this section:

563 (a) "Principal" includes the parent organization or
564 subsidiary of any business entity by which the public officer is
565 retained.

566 (b) (a) "Public officer" includes any person elected or
567 appointed to hold office in any agency, including any person
568 serving on an advisory body.

569 (c) (b) "Relative" means any father, mother, son, daughter,
570 husband, wife, brother, sister, father-in-law, mother-in-law,
571 son-in-law, or daughter-in-law.

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

576 (2) (a) A ~~Ne~~ state public officer may not vote on any matter
577 that the officer knows would inure to his or her special private
578 gain or loss is prohibited from voting in an official capacity
579 on any matter. However, Any state public officer who abstains
580 from voting in an official capacity upon any measure that which

595-01715A-13

20132c1

581 the officer knows would inure to the officer's special private
582 gain or loss, or who votes in an official capacity on a measure
583 that; ~~which~~ he or she knows would inure to the special private
584 gain or loss of any principal by whom the officer is retained or
585 to the parent organization or subsidiary of a corporate
586 principal by which the officer is retained other than an agency
587 as defined in s. 112.312(2); or which the officer knows would
588 inure to the special private gain or loss of a relative or
589 business associate of the public officer, shall make every
590 reasonable effort to, ~~within 15 days after the vote occurs,~~
591 disclose the nature of his or her interest as a public record in
592 a memorandum filed with the person responsible for recording the
593 minutes of the meeting, who shall incorporate the memorandum in
594 the minutes. If it is not possible for the state public officer
595 to file a memorandum before the vote, the memorandum must be
596 filed with the person responsible for recording the minutes of
597 the meeting no later than 15 days after the vote.

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

602 (5) If disclosure of specific information would violate
603 confidentiality or privilege pursuant to law or rules governing
604 attorneys, a public officer, who is also an attorney, may comply
605 with the disclosure requirements of this section by disclosing
606 the nature of the interest in such a way as to provide the
607 public with notice of the conflict.

608 Section 8. Subsection (2) of section 112.3144, Florida
609 Statutes, is amended, present subsection (7) is renumbered as

595-01715A-13

20132c1

610 subsection (9), and new subsections (7) and (8) are added to
611 that section, to read:

612 112.3144 Full and public disclosure of financial
613 interests.—

614 (2) A person who is required, pursuant to s. 8, Art. II of
615 the State Constitution, to file a full and public disclosure of
616 financial interests and who has filed a full and public
617 disclosure of financial interests for any calendar or fiscal
618 year shall not be required to file a statement of financial
619 interests pursuant to s. 112.3145(2) and (3) for the same year
620 or for any part thereof notwithstanding any requirement of this
621 part. When a candidate has qualified for office, the qualifying
622 officer shall, within 3 days of receipt of the full and public
623 disclosure of financial interests, forward an electronic copy of
624 the full and public disclosure to the commission. The electronic
625 copy of the full and public disclosure of financial interests
626 satisfies the annual disclosure requirement of this section. A
627 candidate who does not qualify until after the annual full and
628 public disclosure has been filed pursuant to this section,
629 ~~except that a candidate for office shall file a copy of his or~~
630 ~~her disclosure with the officer before whom he or she qualifies.~~

631 (7) (a) The commission shall treat an amended full and
632 public disclosure of financial interests that is filed prior to
633 September 1 of the current year as the original filing,
634 regardless of whether a complaint has been filed. If a complaint
635 pertaining to the current year alleges a failure to properly and
636 accurately disclose any information required by this section or
637 if a complaint filed pertaining to a previous reporting period
638 within the preceding 5 years alleges a failure to properly and

595-01715A-13

20132c1

639 accurately disclose any information required to be disclosed by
640 this section, the commission may immediately follow complaint
641 procedures in s. 112.324. However, if a complaint filed after
642 August 25 alleges an immaterial, inconsequential, or de minimis
643 error or omission, the commission may not take any action on the
644 complaint, other than notifying the filer of the complaint. The
645 filer must be given 30 days to file an amended full and public
646 disclosure of financial interests correcting any errors. If the
647 filer does not file an amended full and public disclosure of
648 financial interests within 30 days after the commission sends
649 notice of the complaint, the commission may continue with
650 proceedings pursuant to s. 112.324.

651 (b) For purposes of the final full and public disclosure of
652 financial interests, the commission shall treat a new final full
653 and public disclosure of financial interests as the original
654 filing if filed within 60 days after the original filing,
655 regardless of whether a complaint has been filed. If, more than
656 60 days after a final full and public disclosure of financial
657 interests is filed, a complaint is filed alleging a complete
658 omission of any information required to be disclosed by this
659 section, the commission may immediately follow the complaint
660 procedures in s. 112.324. However, if the complaint alleges an
661 immaterial, inconsequential, or de minimis error or omission,
662 the commission may not take any action on the complaint, other
663 than notifying the filer of the complaint. The filer must be
664 given 30 days to file a new final full and public disclosure of
665 financial interests correcting any errors. If the filer does not
666 file a new final full and public disclosure of financial
667 interests within 30 days after the commission sends notice of

595-01715A-13

20132c1

668 the complaint, the commission may continue with proceedings
669 pursuant to s. 112.324.

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

674 (8) (a) An individual required to file a disclosure pursuant
675 to this section may have the disclosure prepared by a certified
676 public accountant licensed under chapter 473. After preparing a
677 disclosure form, the certified public accountant must sign the
678 form indicating that he or she prepared the form in accordance
679 with this section and the instructions for completing and filing
680 the disclosure forms and that, upon his or her reasonable
681 knowledge and belief, the disclosure is true and correct. If a
682 complaint is filed alleging a failure to disclose information
683 required by this section, the commission shall determine whether
684 the information was disclosed to the certified public
685 accountant. The failure of the certified public accountant to
686 accurately transcribe information provided by the individual
687 required to file is not a violation of this section.

688 (b) An elected officer or candidate who chooses to use a
689 certified public accountant to prepare his or her disclosure may
690 pay for the services of the certified public accountant from
691 funds in an office account created pursuant to s. 106.141 or,
692 during a year that the individual qualifies for election to
693 public office, the candidate's campaign depository pursuant to
694 s. 106.021.

695 Section 9. Section 112.31445, Florida Statutes, is created
696 to read:

595-01715A-13

20132c1

697 112.31445 Electronic filing system; full and public
698 disclosure of financial interests.-

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

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

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

712 (a) Provide for access through the Internet.

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

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

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

721 (e) Provide a method for a certified public accountant
722 licensed in this state to sign the disclosure form to indicate
723 that he or she prepared the form in accordance with this section
724 and the instructions for completing and filing the disclosure
725 form and that, upon his or her reasonable knowledge and belief,

595-01715A-13

20132c1

726 the form is true and correct.

727 (f) Address whether additional statutory or rulemaking
728 authority is necessary for implementation of the system, and
729 must include, at a minimum, the following elements: alternate
730 filing procedures to be used in the event that the commission's
731 electronic filing system is inoperable, issuance of an
732 electronic receipt via electronic mail indicating and verifying
733 to the individual who submitted the full and public disclosure
734 of financial interests form that the form has been filed, and a
735 determination of the feasibility and necessity of including
736 statements of financial interests filed pursuant to s. 112.3145
737 in the proposed system.

738 Section 10. Paragraphs (a) and (b) of subsection (1),
739 paragraph (a) of subsection (2), and subsection (3) of section
740 112.3145, Florida Statutes, are amended, present subsection (9)
741 of that section is renumbered as subsection (11), and new
742 subsections (9) and (10) are added to that section, to read:

743 112.3145 Disclosure of financial interests and clients
744 represented before agencies.—

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

747 (a) "Local officer" means:

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

751 2. Any appointed member of any of the following boards,
752 councils, commissions, authorities, or other bodies of any
753 county, municipality, school district, independent special
754 district, or other political subdivision of the state:

595-01715A-13

20132c1

755 a. The governing body of the political subdivision, if
756 appointed;

757 ~~b. An expressway authority or transportation authority~~
758 ~~established by general law;~~

759 ~~b.e.~~ A community college or junior college district board
760 of trustees;

761 ~~c.d.~~ A board having the power to enforce local code
762 provisions;

763 ~~d.e.~~ A planning or zoning board, board of adjustment, board
764 of appeals, community redevelopment agency board, or other board
765 having the power to recommend, create, or modify land planning
766 or zoning within the political subdivision, except for citizen
767 advisory committees, technical coordinating committees, and such
768 other groups who only have the power to make recommendations to
769 planning or zoning boards;

770 ~~e.f.~~ A pension board or retirement board having the power
771 to invest pension or retirement funds or the power to make a
772 binding determination of one's entitlement to or amount of a
773 pension or other retirement benefit; or

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

778 3. Any person holding one or more of the following
779 positions: mayor; county or city manager; chief administrative
780 employee of a county, municipality, or other political
781 subdivision; county or municipal attorney; finance director of a
782 county, municipality, or other political subdivision; chief
783 county or municipal building code inspector; county or municipal

595-01715A-13

20132c1

784 water resources coordinator; county or municipal pollution
785 control director; county or municipal environmental control
786 director; county or municipal administrator, with power to grant
787 or deny a land development permit; chief of police; fire chief;
788 municipal clerk; district school superintendent; community
789 college president; district medical examiner; or purchasing
790 agent having the authority to make any purchase exceeding the
791 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
792 behalf of any political subdivision of the state or any entity
793 thereof.

794 (b) "Specified state employee" means:

795 1. Public counsel created by chapter 350, an assistant
796 state attorney, an assistant public defender, a criminal
797 conflict and civil regional counsel, an assistant criminal
798 conflict and civil regional counsel, a full-time state employee
799 who serves as counsel or assistant counsel to any state agency,
800 the Deputy Chief Judge of Compensation Claims, a judge of
801 compensation claims, an administrative law judge, or a hearing
802 officer.

803 2. Any person employed in the office of the Governor or in
804 the office of any member of the Cabinet if that person is exempt
805 from the Career Service System, except persons employed in
806 clerical, secretarial, or similar positions.

807 3. The State Surgeon General or each appointed secretary,
808 assistant secretary, deputy secretary, executive director,
809 assistant executive director, or deputy executive director of
810 each state department, commission, board, or council; unless
811 otherwise provided, the division director, assistant division
812 director, deputy director, bureau chief, and assistant bureau

595-01715A-13

20132c1

813 chief of any state department or division; or any person having
814 the power normally conferred upon such persons, by whatever
815 title.

816 4. The superintendent or institute director of a state
817 mental health institute established for training and research in
818 the mental health field or the warden or director of any major
819 state institution or facility established for corrections,
820 training, treatment, or rehabilitation.

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

825 6. Any person, other than a legislative assistant exempted
826 by the presiding officer of the house by which the legislative
827 assistant is employed, who is employed in the legislative branch
828 of government, except persons employed in maintenance, clerical,
829 secretarial, or similar positions.

830 7. Each employee of the Commission on Ethics.

831 (2) (a) A person seeking nomination or election to a state
832 or local elective office shall file a statement of financial
833 interests together with, and at the same time he or she files,
834 qualifying papers. When a candidate has qualified for office
835 prior to the deadline to file an annual statement of financial
836 interests, the statement of financial interests that is filed
837 with the candidate's qualifying papers shall be deemed to
838 satisfy the annual disclosure requirement of this section. The
839 qualifying officer must record that the statement of financial
840 interests was timely filed. However, if a candidate does not
841 qualify until after the annual statement of financial interests

595-01715A-13

20132c1

842 has been filed, the candidate may file a copy of his or her
843 statement with the qualifying officer.

844 (3) The statement of financial interests for state
845 officers, specified state employees, local officers, and persons
846 seeking to qualify as candidates for state or local office shall
847 be filed even if the reporting person holds no financial
848 interests requiring disclosure, in which case the statement
849 shall be marked "not applicable." Otherwise, the statement of
850 financial interests shall include, at the filer's option,
851 either:

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

859 2. All sources of income to a business entity in excess of
860 10 percent of the gross income of a business entity in which the
861 reporting person held a material interest and from which he or
862 she received an amount which was in excess of 10 percent of his
863 or her gross income during the disclosure period and which
864 exceeds \$1,500. The period for computing the gross income of the
865 business entity is the fiscal year of the business entity which
866 ended on, or immediately prior to, the end of the disclosure
867 period of the person reporting;

868 3. The location or description of real property in this
869 state, except for residences and vacation homes, owned directly
870 or indirectly by the person reporting, when such person owns in

595-01715A-13

20132c1

871 excess of 5 percent of the value of such real property, and a
872 general description of any intangible personal property worth in
873 excess of 10 percent of such person's total assets. For the
874 purposes of this paragraph, indirect ownership does not include
875 ownership by a spouse or minor child; and

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

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

885 2. All sources of income to a business entity in excess of
886 10 percent of the gross income of a business entity in which the
887 reporting person held a material interest and from which he or
888 she received gross income exceeding \$5,000 during the disclosure
889 period. The period for computing the gross income of the
890 business entity is the fiscal year of the business entity which
891 ended on, or immediately prior to, the end of the disclosure
892 period of the person reporting;

893 3. The location or description of real property in this
894 state, except for residence and vacation homes, owned directly
895 or indirectly by the person reporting, when such person owns in
896 excess of 5 percent of the value of such real property, and a
897 general description of any intangible personal property worth in
898 excess of \$10,000. For the purpose of this paragraph, indirect
899 ownership does not include ownership by a spouse or minor child;

595-01715A-13

20132c1

900 and

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

902
903 A person filing a statement of financial interests shall
904 indicate on the statement whether he or she is using the method
905 specified in paragraph (a) or paragraph (b) of this subsection.

906 (9) (a) The commission shall treat an amended statement of
907 financial interests that is filed prior to September 1 of the
908 current year as the original filing, regardless of whether a
909 complaint has been filed. If a complaint pertaining to the
910 current year alleges a failure to properly and accurately
911 disclose any information required by this section or if a
912 complaint filed pertaining to a previous reporting period within
913 the preceding 5 years alleges a failure to properly and
914 accurately disclose any information required to be disclosed by
915 this section, the commission may immediately follow complaint
916 procedures in s. 112.324. However, if a complaint filed after
917 August 25 alleges an immaterial, inconsequential, or de minimis
918 error or omission, the commission may not take any action on the
919 complaint, other than notifying the filer of the complaint. The
920 filer must be given 30 days to file an amended statement of
921 financial interests correcting any errors. If the filer does not
922 file an amended statement of financial interests within 30 days
923 after the commission sends notice of the complaint, the
924 commission may continue with proceedings pursuant to s. 112.324.

925 (b) For purposes of the final statement of financial
926 interests, the commission shall treat a new final statement of
927 financial interests, as the original filing, if filed within 60
928 days of the original filing regardless of whether a complaint

595-01715A-13

20132c1

929 has been filed. If, more than 60 days after a final statement of
930 financial interests is filed, a complaint is filed alleging a
931 complete omission of any information required to be disclosed by
932 this section, the commission may immediately follow the
933 complaint procedures in s. 112.324. However, if the complaint
934 alleges an immaterial, inconsequential, or de minimis error or
935 omission, the commission may not take any action on the
936 complaint other than notifying the filer of the complaint. The
937 filer must be given 30 days to file a new final statement of
938 financial interests correcting any errors. If the filer does not
939 file a new final statement of financial interests within 30 days
940 after the commission sends notice of the complaint, the
941 commission may continue with proceedings pursuant to s. 112.324.

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

946 (10) (a) An individual required to file a disclosure
947 pursuant to this section may have the disclosure prepared by a
948 certified public accountant licensed under chapter 473. After
949 preparing a disclosure form, the certified public accountant
950 must sign the form indicating that he or she prepared the form
951 in accordance with this section and the instructions for
952 completing and filing the disclosure forms and that, upon his or
953 her reasonable knowledge and belief, the disclosure is true and
954 correct. If a complaint is filed alleging a failure to disclose
955 information required by this section, the commission shall
956 determine whether the information was disclosed to the certified
957 public accountant. The failure of the certified public

595-01715A-13

20132c1

958 accountant to accurately transcribe information provided by the
959 individual who is required to file the disclosure does not
960 constitute a violation of this section.

961 (b) An elected officer or candidate who chooses to use a
962 certified public accountant to prepare his or her disclosure may
963 pay for the services of the certified public accountant from
964 funds in an office account created pursuant to s. 106.141 or,
965 during a year that the individual qualifies for election to
966 public office, the candidate's campaign depository pursuant to
967 s. 106.021.

968 Section 11. Section 112.31455, Florida Statutes, is created
969 to read:

970 112.31455 Collection methods for unpaid automatic fines for
971 failure to timely file disclosure of financial interests.-

972 (1) Before referring any unpaid fine accrued pursuant to s.
973 112.3144(5) or s. 112.3145(6) to the Department of Financial
974 Services, the commission shall attempt to determine whether the
975 individual owing such a fine is a current public officer or
976 current public employee. If so, the commission may notify the
977 Chief Financial Officer or the governing body of the appropriate
978 county, municipality, or special district of the total amount of
979 any fine owed to the commission by such individual.

980 (a) After receipt and verification of the notice from the
981 commission, the Chief Financial Officer or the governing body of
982 the county, municipality, or special district shall begin
983 withholding the lesser of 10 percent or the maximum amount
984 allowed under federal law from any salary-related payment. The
985 withheld payments shall be remitted to the commission until the
986 fine is satisfied.

595-01715A-13

20132c1

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

991 (2) If the commission determines that the individual who is
992 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
993 or s. 112.3145(6) is no longer a public officer or public
994 employee or if the commission is unable to determine whether the
995 individual is a current public officer or public employee, the
996 commission may, 6 months after the order becomes final:

997 (a) Record the final order as a judgment lien against any
998 real or personal property within the state pursuant to chapter
999 55. Upon recording the order imposing the fine with the clerk of
1000 the circuit court, the order shall be deemed a judgment for
1001 purposes of chapter 55; or

1002 (b) Seek garnishment of any wages to satisfy the amount of
1003 the fine, or any unpaid portion thereof, pursuant to chapter 77.
1004 Upon recording the order imposing the fine with the clerk of the
1005 circuit court, the order shall be deemed a judgment for purposes
1006 of garnishment pursuant to chapter 77.

1007 (3) If a person holds an interest of \$10,000 or less in a
1008 single motor vehicle as defined in s. 320.01, that interest is
1009 exempt from the collection methods authorized by this section.

1010 (4) The commission may refer unpaid fines to the
1011 appropriate collection agency, as directed by the Chief
1012 Financial Officer, to utilize any collection methods provided by
1013 law. Except as expressly limited by this section, any other
1014 collection methods authorized by law are allowed.

1015 (5) Action may be taken to collect any unpaid fine imposed

595-01715A-13

20132c1

1016 by ss. 112.3144 and 112.3145 within 20 years after the date the
1017 final order is rendered.

1018 Section 12. Section 112.3147, Florida Statutes, is amended
1019 to read:

1020 112.3147 Forms.—Except as otherwise provided, all
1021 information required to be furnished by ss. 112.313, 112.3143,
1022 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
1023 of the State Constitution shall be on forms prescribed by the
1024 Commission on Ethics.

1025 Section 13. Paragraph (e) of subsection (2) of section
1026 112.3148, Florida Statutes, is amended and paragraph (f) is
1027 added to that subsection, and subsections (3) through (5) of
1028 that section are amended, to read:

1029 112.3148 Reporting and prohibited receipt of gifts by
1030 individuals filing full or limited public disclosure of
1031 financial interests and by procurement employees.—

1032 (2) As used in this section:

1033 (e) "Procurement employee" means any employee of an
1034 officer, department, board, commission, ~~or~~ council, or agency of
1035 the executive branch or judicial branch of state government who
1036 has participated in the preceding 12 months ~~participates~~ through
1037 decision, approval, disapproval, recommendation, preparation of
1038 any part of a purchase request, influencing the content of any
1039 specification or procurement standard, rendering of advice,
1040 investigation, or auditing or in any other advisory capacity in
1041 the procurement of contractual services or commodities as
1042 defined in s. 287.012, if the cost of such services or
1043 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
1044 any fiscal year.

595-01715A-13

20132c1

1045 (f) "Vendor" means a business entity doing business
1046 directly with an agency, such as renting, leasing, or selling
1047 any realty, goods, or services.

1048 (3) A reporting individual or procurement employee is
1049 prohibited from soliciting any gift from a vendor doing business
1050 with the reporting individual's or procurement employee's agency
1051 ~~or from a political committee or committee of continuous~~
1052 ~~existence, as defined in s. 106.011, or from~~ a lobbyist who
1053 lobbies the reporting individual's or procurement employee's
1054 agency, or the partner, firm, employer, or principal of such
1055 lobbyist, where such gift is for the personal benefit of the
1056 reporting individual or procurement employee, another reporting
1057 individual or procurement employee, or any member of the
1058 immediate family of a reporting individual or procurement
1059 employee.

1060 (4) A reporting individual or procurement employee or any
1061 other person on his or her behalf is prohibited from knowingly
1062 accepting, directly or indirectly, a gift from a vendor doing
1063 business with the reporting individual's or procurement
1064 employee's agency or from a political committee or committee of
1065 ~~continuous existence, as defined in s. 106.011, or from~~ a
1066 lobbyist who lobbies the reporting individual's or procurement
1067 employee's agency, or directly or indirectly on behalf of the
1068 partner, firm, employer, or principal of a lobbyist, if he or
1069 she knows or reasonably believes that the gift has a value in
1070 excess of \$100; however, such a gift may be accepted by such
1071 person on behalf of a governmental entity or a charitable
1072 organization. If the gift is accepted on behalf of a
1073 governmental entity or charitable organization, the person

595-01715A-13

20132c1

1074 receiving the gift shall not maintain custody of the gift for
1075 any period of time beyond that reasonably necessary to arrange
1076 for the transfer of custody and ownership of the gift.

1077 (5) (a) A vendor doing business with the reporting
1078 individual's or procurement employee's agency ~~A political~~
1079 ~~committee or a committee of continuous existence, as defined in~~
1080 ~~s. 106.011~~; a lobbyist who lobbies a reporting individual's or
1081 procurement employee's agency; the partner, firm, employer, or
1082 principal of a lobbyist; or another on behalf of the lobbyist or
1083 partner, firm, principal, or employer of the lobbyist is
1084 prohibited from giving, either directly or indirectly, a gift
1085 that has a value in excess of \$100 to the reporting individual
1086 or procurement employee or any other person on his or her
1087 behalf; however, such person may give a gift having a value in
1088 excess of \$100 to a reporting individual or procurement employee
1089 if the gift is intended to be transferred to a governmental
1090 entity or a charitable organization.

1091 (b) However, a person who is regulated by this subsection,
1092 who is not regulated by subsection (6), and who makes, or
1093 directs another to make, an individual gift having a value in
1094 excess of \$25, but not in excess of \$100, other than a gift that
1095 the donor knows will be accepted on behalf of a governmental
1096 entity or charitable organization, must file a report on the
1097 last day of each calendar quarter for the previous calendar
1098 quarter in which a reportable gift is made. The report shall be
1099 filed with the Commission on Ethics, except with respect to
1100 gifts to reporting individuals of the legislative branch, in
1101 which case the report shall be filed with the Office of
1102 Legislative Services. The report must contain a description of

595-01715A-13

20132c1

1103 each gift, the monetary value thereof, the name and address of
1104 the person making such gift, the name and address of the
1105 recipient of the gift, and the date such gift is given. In
1106 addition, if a gift is made which requires the filing of a
1107 report under this subsection, the donor must notify the intended
1108 recipient at the time the gift is made that the donor, or
1109 another on his or her behalf, will report the gift under this
1110 subsection. Under this paragraph, a gift need not be reported by
1111 more than one person or entity.

1112 Section 14. Section 112.31485, Florida Statutes, is created
1113 to read:

1114 112.31485 Prohibition on gifts involving political
1115 committees and committees of continuous existence.-

1116 (1) (a) For purposes of this section, the term "gift" means
1117 any purchase, payment, distribution, loan, advance, transfer of
1118 funds, or disbursement of money or anything of value that is not
1119 primarily related to contributions, expenditures, or other
1120 political activities authorized pursuant to chapter 106.

1121 (b) For purposes of this section, the term "immediate
1122 family" means any parent, spouse, child, or sibling.

1123 (2) (a) A reporting individual or procurement employee or a
1124 member of his or her immediate family is prohibited from
1125 soliciting or knowingly accepting, directly or indirectly, any
1126 gift from a political committee or committee of continuous
1127 existence.

1128 (b) A political committee or committee of continuous
1129 existence is prohibited from giving, directly or indirectly, any
1130 gift to a reporting individual or procurement employee or a
1131 member of his or her immediate family.

595-01715A-13

20132c1

1132 (3) Any person who violates this section is subject to a
1133 civil penalty equal to three times the amount of the gift. Such
1134 penalty is in addition to the penalties provided in s. 112.317
1135 and shall be paid to the General Revenue Fund of the state. A
1136 reporting individual or procurement employee or a member of his
1137 or her immediate family who violates this section is personally
1138 liable for payment of the treble penalty. Any agent or person
1139 acting on behalf of a political committee or committee of
1140 continuous existence who gives a prohibited gift is personally
1141 liable for payment of the treble penalty.

1142 Section 15. Paragraph (e) of subsection (1) of section
1143 112.3149, Florida Statutes, is amended, and paragraph (f) is
1144 added to that subsection, and subsections (3) and (4) of that
1145 section are amended, to read:

1146 112.3149 Solicitation and disclosure of honoraria.—

1147 (1) As used in this section:

1148 (e) "Procurement employee" means any employee of an
1149 officer, department, board, commission, ~~or~~ council, or agency of
1150 the executive branch or judicial branch of state government who
1151 has participated in the preceding 12 months ~~participates~~ through
1152 decision, approval, disapproval, recommendation, preparation of
1153 any part of a purchase request, influencing the content of any
1154 specification or procurement standard, rendering of advice,
1155 investigation, or auditing or in any other advisory capacity in
1156 the procurement of contractual services or commodities as
1157 defined in s. 287.012, if the cost of such services or
1158 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1159 (f) "Vendor" means a business entity doing business
1160 directly with an agency, such as renting, leasing, or selling

595-01715A-13

20132c1

1161 any realty, goods, or services.

1162 (3) A reporting individual or procurement employee is
1163 prohibited from knowingly accepting an honorarium from a
1164 political committee or committee of continuous existence, as
1165 defined in s. 106.011, from a vendor doing business with the
1166 reporting individual's or procurement employee's agency, from a
1167 lobbyist who lobbies the reporting individual's or procurement
1168 employee's agency, or from the employer, principal, partner, or
1169 firm of such a lobbyist.

1170 (4) A political committee or committee of continuous
1171 existence, as defined in s. 106.011, a vendor doing business
1172 with the reporting individual's or procurement employee's
1173 agency, a lobbyist who lobbies a reporting individual's or
1174 procurement employee's agency, or the employer, principal,
1175 partner, or firm of such a lobbyist is prohibited from giving an
1176 honorarium to a reporting individual or procurement employee.

1177 Section 16. Section 112.317, Florida Statutes, is amended
1178 to read:

1179 112.317 Penalties.—

1180 (1) Any violation of ~~any provision of~~ this part, including,
1181 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required
1182 by this part or violation of any standard of conduct imposed by
1183 this part, or any violation of ~~any provision of~~ s. 8, Art. II of
1184 the State Constitution, in addition to any criminal penalty or
1185 other civil penalty involved, ~~shall,~~ under applicable
1186 constitutional and statutory procedures, constitutes ~~constitute~~
1187 grounds for, and may be punished by, one or more of the
1188 following:

1189 (a) In the case of a public officer:

595-01715A-13

20132c1

- 1190 1. Impeachment.
- 1191 2. Removal from office.
- 1192 3. Suspension from office.
- 1193 4. Public censure and reprimand.
- 1194 5. Forfeiture of no more than one-third of his or her
- 1195 salary per month for no more than 12 months.
- 1196 6. A civil penalty not to exceed \$10,000.
- 1197 7. Restitution of any pecuniary benefits received because
- 1198 of the violation committed. The commission may recommend that
- 1199 the restitution penalty be paid to the agency of which the
- 1200 public officer was a member or to the General Revenue Fund.
- 1201 (b) In the case of an employee or a person designated as a
- 1202 public officer by this part who otherwise would be deemed to be
- 1203 an employee:
- 1204 1. Dismissal from employment.
- 1205 2. Suspension from employment for not more than 90 days
- 1206 without pay.
- 1207 3. Demotion.
- 1208 4. Reduction in his or her salary level.
- 1209 5. Forfeiture of no more than one-third salary per month
- 1210 for no more than 12 months.
- 1211 6. A civil penalty not to exceed \$10,000.
- 1212 7. Restitution of any pecuniary benefits received because
- 1213 of the violation committed. The commission may recommend that
- 1214 the restitution penalty be paid to the agency by which the
- 1215 public employee was employed, or of which the officer was deemed
- 1216 to be an employee, or to the General Revenue Fund.
- 1217 8. Public censure and reprimand.
- 1218 (c) In the case of a candidate who violates ~~the provisions~~

595-01715A-13

20132c1

1219 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
 1220 Constitution:

- 1221 1. Disqualification from being on the ballot.
- 1222 2. Public censure.
- 1223 3. Reprimand.
- 1224 4. A civil penalty not to exceed \$10,000.

1225 (d) In the case of a former public officer or employee who
 1226 has violated a provision applicable to former officers or
 1227 employees or whose violation occurred before the officer's or
 1228 employee's leaving public office or employment:

- 1229 1. Public censure and reprimand.
- 1230 2. A civil penalty not to exceed \$10,000.
- 1231 3. Restitution of any pecuniary benefits received because
 1232 of the violation committed. The commission may recommend that
 1233 the restitution penalty be paid to the agency of the public
 1234 officer or employee or to the General Revenue Fund.

1235 (e) In the case of a person who is subject to the standards
 1236 of this part, other than a lobbyist or lobbying firm under s.
 1237 112.3215 for a violation of s. 112.3215, but who is not a public
 1238 officer or employee:

- 1239 1. Public censure and reprimand.
- 1240 2. A civil penalty not to exceed \$10,000.
- 1241 3. Restitution of any pecuniary benefits received because
 1242 of the violation committed. The commission may recommend that
 1243 the restitution penalty be paid to the agency of the person or
 1244 to the General Revenue Fund.

1245 (2) In any case in which the commission finds a violation
 1246 of this part or of s. 8, Art. II of the State Constitution and
 1247 the proper disciplinary official or body under s. 112.324

595-01715A-13

20132c1

1248 imposes a civil penalty or restitution penalty, the Attorney
1249 General shall bring a civil action to recover such penalty. No
1250 defense may be raised in the civil action to enforce the civil
1251 penalty or order of restitution that could have been raised by
1252 judicial review of the administrative findings and
1253 recommendations of the commission by certiorari to the district
1254 court of appeal. The Attorney General shall collect any costs,
1255 attorney's fees, expert witness fees, or other costs of
1256 collection incurred in bringing the action.

1257 (3) The penalties prescribed in this part shall not be
1258 construed to limit or to conflict with:

1259 (a) The power of either house of the Legislature to
1260 discipline its own members or impeach a public officer.

1261 (b) The power of agencies to discipline officers or
1262 employees.

1263 (4) Any violation of this part or of s. 8, Art. II of the
1264 State Constitution by a public officer constitutes ~~shall~~
1265 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1266 office within the meaning of s. 7, Art. IV of the State
1267 Constitution.

1268 (5) By order of the Governor, upon recommendation of the
1269 commission, any elected municipal officer who violates ~~any~~
1270 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1271 Constitution may be suspended from office and the office filled
1272 by appointment for the period of suspension. The suspended
1273 officer may at any time before removal be reinstated by the
1274 Governor. The Senate may, in proceedings prescribed by law,
1275 remove from office, or reinstate, the suspended official, and
1276 for such purpose the Senate may be convened in special session

595-01715A-13

20132c1

1277 by its President or by a majority of its membership.

1278 (6) In any case in which the commission finds probable
1279 cause to believe that a complainant has committed perjury in
1280 regard to any document filed with, or any testimony given
1281 before, the commission, it shall refer such evidence to the
1282 appropriate law enforcement agency for prosecution and taxation
1283 of costs.

1284 (7) In any case in which the commission determines that a
1285 person has filed a complaint against a public officer or
1286 employee with a malicious intent to injure the reputation of
1287 such officer or employee by filing the complaint with knowledge
1288 that the complaint contains one or more false allegations or
1289 with reckless disregard for whether the complaint contains false
1290 allegations of fact material to a violation of this part, the
1291 complainant shall be liable for costs plus reasonable attorney
1292 ~~attorney's~~ fees incurred in the defense of the person complained
1293 against, including the costs and reasonable attorney ~~attorney's~~
1294 fees incurred in proving entitlement to and the amount of costs
1295 and fees. If the complainant fails to pay such costs and fees
1296 voluntarily within 30 days following such finding by the
1297 commission, the commission shall forward such information to the
1298 Department of Legal Affairs, which shall bring a civil action in
1299 a court of competent jurisdiction to recover the amount of such
1300 costs and fees awarded by the commission.

1301 Section 17. Paragraphs (a) and (c) of subsection (8) and
1302 subsection (10) of section 112.3215, Florida Statutes, are
1303 amended, present subsections (11) through (14) are renumbered as
1304 (12) through (15), respectively, and a new subsection (11) is
1305 added to that section to read:

595-01715A-13

20132c1

1306 112.3215 Lobbying before the executive branch or the
1307 Constitution Revision Commission; registration and reporting;
1308 investigation by commission.-

1309 (8) (a) The commission shall investigate every sworn
1310 complaint that is filed with it alleging that a person covered
1311 by this section has failed to register, has failed to submit a
1312 compensation report, has made a prohibited expenditure, or has
1313 knowingly submitted false information in any report or
1314 registration required in this section.

1315 (c) The commission shall investigate any lobbying firm,
1316 lobbyist, principal, agency, officer, or employee upon receipt
1317 of information from a sworn complaint or from a random audit of
1318 lobbying reports indicating a possible violation other than a
1319 late-filed report.

1320 (10) If the Governor and Cabinet finds that a violation
1321 occurred, it may reprimand the violator, censure the violator,
1322 or prohibit the violator from lobbying all agencies for a period
1323 not to exceed 2 years. If the violator is a lobbying firm,
1324 lobbyist, or principal, the Governor and Cabinet may also assess
1325 a fine of not more than \$5,000 to be deposited in the Executive
1326 Branch Lobby Registration Trust Fund.

1327 (11) Any person who is required to be registered or to
1328 provide information under this section or under rules adopted
1329 pursuant to this section and who knowingly fails to disclose any
1330 material fact that is required by this section or by rules
1331 adopted pursuant to this section, or who knowingly provides
1332 false information on any report required by this section or by
1333 rules adopted pursuant to this section, commits a noncriminal
1334 infraction, punishable by a fine not to exceed \$5,000. Such

595-01715A-13

20132c1

1335 penalty is in addition to any other penalty assessed by the
1336 Governor and Cabinet pursuant to subsection (10).

1337 Section 18. Section 112.324, Florida Statutes, is amended
1338 to read:

1339 112.324 Procedures on complaints of violations and
1340 referrals; public records and meeting exemptions.—

1341 ~~(1) Upon a written complaint executed on a form prescribed~~
1342 ~~by the commission and signed under oath or affirmation by any~~
1343 ~~person,~~ The commission shall investigate an ~~any~~ alleged
1344 violation of this part or ~~any~~ other alleged breach of the public
1345 trust within the jurisdiction of the commission as provided in
1346 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
1347 ~~procedures set forth herein.~~

1348 (a) Upon a written complaint executed on a form prescribed
1349 by the commission and signed under oath of affirmation by any
1350 person; or

1351 (b) Upon receipt of a written referral of a possible
1352 violation of this part or other possible breach of the public
1353 trust from the Governor, the Department of Law Enforcement, a
1354 state attorney, or a United States Attorney which at least six
1355 members of the commission determine is sufficient to indicate a
1356 violation of this part or any other breach of the public trust.

1357
1358 Within 5 days after receipt of a complaint by the commission or
1359 a determination by at least six members of the commission that
1360 the referral received is deemed sufficient, a copy shall be
1361 transmitted to the alleged violator.

1362 (2) (a) The complaint and records relating to the complaint
1363 or to any preliminary investigation held by the commission or

595-01715A-13

20132c1

1364 its agents, by a Commission on Ethics and Public Trust
1365 established by any county defined in s. 125.011(1) or by any
1366 municipality defined in s. 165.031, or by any county or
1367 municipality that has established a local investigatory process
1368 to enforce more stringent standards of conduct and disclosure
1369 requirements as provided in s. 112.326 are confidential and
1370 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1371 of the State Constitution.

1372 (b) Any proceeding conducted by the commission, a
1373 Commission on Ethics and Public Trust, or a county or
1374 municipality that has established such local investigatory
1375 process, pursuant to a complaint or preliminary investigation,
1376 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1377 the State Constitution, and s. 120.525.

1378 (c) The exemptions in paragraphs (a) and (b) apply until
1379 the complaint is dismissed as legally insufficient, until the
1380 alleged violator requests in writing that such records and
1381 proceedings be made public, or until the commission, a
1382 Commission on Ethics and Public Trust, or a county or
1383 municipality that has established such local investigatory
1384 process determines, based on such investigation, whether
1385 probable cause exists to believe that a violation has occurred.
1386 ~~In no event shall~~ A complaint or referral under this part
1387 against a candidate in any general, special, or primary election
1388 may not be filed nor may ~~or~~ any intention of filing such a
1389 complaint or referral be disclosed on the day of any such
1390 election or within the 30 ~~5~~ days immediately preceding the date
1391 of the election, unless the complaint or referral is based upon
1392 personal information or information other than hearsay.

595-01715A-13

20132c1

1393 (d) This subsection is subject to the Open Government
1394 Sunset Review Act in accordance with s. 119.15 and shall stand
1395 repealed on October 2, 2015, unless reviewed and saved from
1396 repeal through reenactment by the Legislature.

1397 (3) A preliminary investigation shall be undertaken by the
1398 commission of each legally sufficient complaint or referral over
1399 which the commission has jurisdiction to determine whether there
1400 is probable cause to believe that a violation has occurred. If,
1401 upon completion of the preliminary investigation, the commission
1402 finds no probable cause to believe that this part has been
1403 violated or that any other breach of the public trust has been
1404 committed, the commission shall dismiss the complaint or
1405 referral with the issuance of a public report to the complainant
1406 and the alleged violator, stating with particularity its reasons
1407 for dismissal ~~of the complaint~~. At that time, the complaint or
1408 referral and all materials relating to the complaint or referral
1409 shall become a matter of public record. If the commission finds
1410 from the preliminary investigation probable cause to believe
1411 that this part has been violated or that any other breach of the
1412 public trust has been committed, it shall so notify the
1413 complainant and the alleged violator in writing. Such
1414 notification and all documents made or received in the
1415 disposition of the complaint or referral shall then become
1416 public records. Upon request submitted to the commission in
1417 writing, any person who the commission finds probable cause to
1418 believe has violated any provision of this part or has committed
1419 any other breach of the public trust shall be entitled to a
1420 public hearing. Such person shall be deemed to have waived the
1421 right to a public hearing if the request is not received within

595-01715A-13

20132c1

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

1434 (4) If, in cases pertaining to members of the Legislature,
1435 upon completion of a full and final investigation by the
1436 commission, the commission finds that there has been a violation
1437 of this part or of any provision of s. 8, Art. II of the State
1438 Constitution, the commission shall forward a copy of the
1439 complaint or referral and its findings by certified mail to the
1440 President of the Senate or the Speaker of the House of
1441 Representatives, whichever is applicable, who shall refer the
1442 complaint or referral to the appropriate committee for
1443 investigation and action which shall be governed by the rules of
1444 its respective house. It is ~~shall be~~ the duty of the committee
1445 to report its final action upon the matter ~~complaint~~ to the
1446 commission within 90 days of the date of transmittal to the
1447 respective house. Upon request of the committee, the commission
1448 shall submit a recommendation as to what penalty, if any, should
1449 be imposed. In the case of a member of the Legislature, the
1450 house in which the member serves has ~~shall have~~ the power to

595-01715A-13

20132c1

1451 invoke the penalty provisions of this part.

1452 (5) If, in cases ~~pertaining to complaints~~ against
1453 impeachable officers, upon completion of a full and final
1454 investigation by the commission, the commission finds that there
1455 has been a violation of this part or of any provision of s. 8,
1456 Art. II of the State Constitution, and the commission finds that
1457 the violation may constitute grounds for impeachment, the
1458 commission shall forward a copy of the complaint or referral and
1459 its findings by certified mail to the Speaker of the House of
1460 Representatives, who shall refer the complaint or referral to
1461 the appropriate committee for investigation and action which
1462 shall be governed by the rules of the House of Representatives.
1463 It is ~~shall be~~ the duty of the committee to report its final
1464 action upon the matter ~~complaint~~ to the commission within 90
1465 days of the date of transmittal.

1466 (6) If the commission finds that there has been a violation
1467 of this part or of any provision of s. 8, Art. II of the State
1468 Constitution by an impeachable officer other than the Governor,
1469 and the commission recommends public censure and reprimand,
1470 forfeiture of a portion of the officer's salary, a civil
1471 penalty, or restitution, the commission shall report its
1472 findings and recommendation of disciplinary action to the
1473 Governor, who has ~~shall have~~ the power to invoke the penalty
1474 provisions of this part.

1475 (7) If the commission finds that there has been a violation
1476 of this part or of any provision of s. 8, Art. II of the State
1477 Constitution by the Governor, and the commission recommends
1478 public censure and reprimand, forfeiture of a portion of the
1479 Governor's salary, a civil penalty, or restitution, the

595-01715A-13

20132c1

1480 commission shall report its findings and recommendation of
1481 disciplinary action to the Attorney General, who shall have the
1482 power to invoke the penalty provisions of this part.

1483 (8) If, in cases ~~pertaining to complaints~~ other than
1484 complaints or referrals against impeachable officers or members
1485 of the Legislature, upon completion of a full and final
1486 investigation by the commission, the commission finds that there
1487 has been a violation of this part or of s. 8, Art. II of the
1488 State Constitution, it is ~~shall be~~ the duty of the commission to
1489 report its findings and recommend appropriate action to the
1490 proper disciplinary official or body as follows, and such
1491 official or body has ~~shall have~~ the power to invoke the penalty
1492 provisions of this part, including the power to order the
1493 appropriate elections official to remove a candidate from the
1494 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1495 II of the State Constitution:

1496 (a) The President of the Senate and the Speaker of the
1497 House of Representatives, jointly, in any case concerning the
1498 Public Counsel, members of the Public Service Commission,
1499 members of the Public Service Commission Nominating Council, the
1500 Auditor General, or the director of the Office of Program Policy
1501 Analysis and Government Accountability.

1502 (b) The Supreme Court, in any case concerning an employee
1503 of the judicial branch.

1504 (c) The President of the Senate, in any case concerning an
1505 employee of the Senate; the Speaker of the House of
1506 Representatives, in any case concerning an employee of the House
1507 of Representatives; or the President and the Speaker, jointly,
1508 in any case concerning an employee of a committee of the

595-01715A-13

20132c1

1509 Legislature whose members are appointed solely by the President
1510 and the Speaker or in any case concerning an employee of the
1511 Public Counsel, Public Service Commission, Auditor General, or
1512 Office of Program Policy Analysis and Government Accountability.

1513 (d) Except as otherwise provided by this part, the
1514 Governor, in the case of any other public officer, public
1515 employee, former public officer or public employee, candidate or
1516 former candidate, or person who is not a public officer or
1517 employee, other than lobbyists and lobbying firms under s.
1518 112.3215 for violations of s. 112.3215.

1519 (e) The President of the Senate or the Speaker of the House
1520 of Representatives, whichever is applicable, in any case
1521 concerning a former member of the Legislature who has violated a
1522 provision applicable to former members or whose violation
1523 occurred while a member of the Legislature.

1524 (9) In addition to reporting its findings to the proper
1525 disciplinary body or official, the commission shall report these
1526 findings to the state attorney or any other appropriate official
1527 or agency having authority to initiate prosecution when
1528 violation of criminal law is indicated.

1529 (10) Notwithstanding the foregoing procedures of this
1530 section, a sworn complaint against any member or employee of the
1531 Commission on Ethics for violation of this part or of s. 8, Art.
1532 II of the State Constitution shall be filed with the President
1533 of the Senate and the Speaker of the House of Representatives.
1534 Each presiding officer shall, after determining that there are
1535 sufficient grounds for review, appoint three members of their
1536 respective bodies to a special joint committee who shall
1537 investigate the complaint. The members shall elect a chair from

595-01715A-13

20132c1

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

1555 (11) (a) Notwithstanding subsections (1)-(8), the commission
1556 shall dismiss any complaint or referral at any stage of
1557 disposition should it determine that the violation that is
1558 alleged or has occurred is a de minimis violation attributable
1559 to inadvertent or unintentional error. In determining whether a
1560 violation was de minimis, the commission shall consider whether
1561 the interests of the public were protected despite the
1562 violation. This subsection does not apply to complaints or
1563 referrals pursuant to ss. 112.3144 and 112.3145.

1564 (b) For the purposes of this subsection, a de minimis
1565 violation is any violation that is unintentional and not
1566 material in nature.

595-01715A-13

20132c1

1567 (12)~~(11)~~ Notwithstanding the provisions of subsections (1)-
1568 (8), the commission may, at its discretion, dismiss any
1569 complaint or referral at any stage of disposition should it
1570 determine that the public interest would not be served by
1571 proceeding further, in which case the commission shall issue a
1572 public report stating with particularity its reasons for the
1573 dismissal.

1574 Section 19. For the purpose of incorporating the amendment
1575 made by this act to section 112.3143, Florida Statutes, in a
1576 reference thereto, subsection (1) of section 120.665, Florida
1577 Statutes, is reenacted to read:

1578 120.665 Disqualification of agency personnel.—

1579 (1) Notwithstanding the provisions of s. 112.3143, any
1580 individual serving alone or with others as an agency head may be
1581 disqualified from serving in an agency proceeding for bias,
1582 prejudice, or interest when any party to the agency proceeding
1583 shows just cause by a suggestion filed within a reasonable
1584 period of time prior to the agency proceeding. If the
1585 disqualified individual was appointed, the appointing power may
1586 appoint a substitute to serve in the matter from which the
1587 individual is disqualified. If the individual is an elected
1588 official, the Governor may appoint a substitute to serve in the
1589 matter from which the individual is disqualified. However, if a
1590 quorum remains after the individual is disqualified, it shall
1591 not be necessary to appoint a substitute.

1592 Section 20. For the purpose of incorporating the amendment
1593 made by this act to section 112.3143, Florida Statutes, in a
1594 reference thereto, section 286.012, Florida Statutes, is
1595 reenacted to read:

595-01715A-13

20132c1

1596 286.012 Voting requirement at meetings of governmental
1597 bodies.—No member of any state, county, or municipal
1598 governmental board, commission, or agency who is present at any
1599 meeting of any such body at which an official decision, ruling,
1600 or other official act is to be taken or adopted may abstain from
1601 voting in regard to any such decision, ruling, or act; and a
1602 vote shall be recorded or counted for each such member present,
1603 except when, with respect to any such member, there is, or
1604 appears to be, a possible conflict of interest under the
1605 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1606 cases, said member shall comply with the disclosure requirements
1607 of s. 112.3143.

1608 Section 21. For the purpose of incorporating the amendment
1609 made by this act to section 112.324, Florida Statutes, in a
1610 reference thereto, section 287.175, Florida Statutes, is
1611 reenacted to read:

1612 287.175 Penalties.—A violation of this part or a rule
1613 adopted hereunder, pursuant to applicable constitutional and
1614 statutory procedures, constitutes misuse of public position as
1615 defined in s. 112.313(6), and is punishable as provided in s.
1616 112.317. The Chief Financial Officer shall report incidents of
1617 suspected misuse to the Commission on Ethics, and the commission
1618 shall investigate possible violations of this part or rules
1619 adopted hereunder when reported by the Chief Financial Officer,
1620 notwithstanding the provisions of s. 112.324. Any violation of
1621 this part or a rule adopted hereunder shall be presumed to have
1622 been committed with wrongful intent, but such presumption is
1623 rebuttable. Nothing in this section is intended to deny rights
1624 provided to career service employees by s. 110.227.

595-01715A-13

20132c1

1625 Section 22. Paragraph (c) of subsection (1) of section
1626 288.901, Florida Statutes, is amended to read:

1627 288.901 Enterprise Florida, Inc.—

1628 (1) CREATION.—

1629 (c) The Legislature determines that it is in the public
1630 interest for the members of Enterprise Florida, Inc., board of
1631 directors to be subject to the requirements of ss. 112.3135,
1632 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1633 notwithstanding the fact that the board members are not public
1634 officers or employees. For purposes of those sections, the board
1635 members shall be considered to be public officers or employees.
1636 The exemption set forth in s. 112.313(12) for advisory boards
1637 applies to the members of Enterprise Florida, Inc., board of
1638 directors. Further, each member of the board of directors who is
1639 not otherwise required to file financial disclosures pursuant to
1640 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1641 file disclosure of financial interests pursuant to s. 112.3145.

1642 Section 23. Subsection (1) of section 445.007, Florida
1643 Statutes, is reenacted for the purpose of incorporating the
1644 amendment made by this act to section 112.3143, Florida
1645 Statutes, in a reference thereto, and subsection (11) of that
1646 section is amended, to read:

1647 445.007 Regional workforce boards.—

1648 (1) One regional workforce board shall be appointed in each
1649 designated service delivery area and shall serve as the local
1650 workforce investment board pursuant to Pub. L. No. 105-220. The
1651 membership of the board shall be consistent with Pub. L. No.
1652 105-220, Title I, s. 117(b) but may not exceed the minimum
1653 membership required in Pub. L. No. 105-220, Title I, s.

595-01715A-13

20132c1

1654 117(b) (2) (A) and in this subsection. Upon approval by the
1655 Governor, the chief elected official may appoint additional
1656 members above the limit set by this subsection. If a public
1657 education or training provider is represented on the board, a
1658 representative of a private nonprofit provider and a
1659 representative of a private for-profit provider must also be
1660 appointed to the board. The board shall include one nonvoting
1661 representative from a military installation if a military
1662 installation is located within the region and the appropriate
1663 military command or organization authorizes such representation.
1664 It is the intent of the Legislature that membership of a
1665 regional workforce board include persons who are current or
1666 former recipients of welfare transition assistance as defined in
1667 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1668 or that such persons be included as ex officio members of the
1669 board or of committees organized by the board. The importance of
1670 minority and gender representation shall be considered when
1671 making appointments to the board. The board, its committees,
1672 subcommittees, and subdivisions, and other units of the
1673 workforce system, including units that may consist in whole or
1674 in part of local governmental units, may use any method of
1675 telecommunications to conduct meetings, including establishing a
1676 quorum through telecommunications, provided that the public is
1677 given proper notice of the telecommunications meeting and
1678 reasonable access to observe and, when appropriate, participate.
1679 Regional workforce boards are subject to chapters 119 and 286
1680 and s. 24, Art. I of the State Constitution. If the regional
1681 workforce board enters into a contract with an organization or
1682 individual represented on the board of directors, the contract

595-01715A-13

20132c1

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

1699 (11) To increase transparency and accountability, a
1700 regional workforce board must comply with the requirements of
1701 this section before contracting with a member of the board or a
1702 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1703 board member or of an employee of the board. Such contracts may
1704 not be executed before or without the approval of Workforce
1705 Florida, Inc. Such contracts, as well as documentation
1706 demonstrating adherence to this section as specified by
1707 Workforce Florida, Inc., must be submitted to the Department of
1708 Economic Opportunity for review and recommendation according to
1709 criteria to be determined by Workforce Florida, Inc. Such a
1710 contract must be approved by a two-thirds vote of the board, a
1711 quorum having been established; all conflicts of interest must

595-01715A-13

20132c1

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

1726 Section 24. For the purpose of incorporating the amendment
1727 made by this act to section 112.3143, Florida Statutes, in a
1728 reference thereto, paragraph (m) of subsection (5) of section
1729 627.311, Florida Statutes, is reenacted to read:

1730 627.311 Joint underwriters and joint reinsurers; public
1731 records and public meetings exemptions.—

1732 (5)

1733 (m) Senior managers and officers, as defined in the plan of
1734 operation, and members of the board of governors are subject to
1735 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1736 112.316, and 112.317. Senior managers, officers, and board
1737 members are also required to file such disclosures with the
1738 Commission on Ethics and the Office of Insurance Regulation. The
1739 executive director of the plan or his or her designee shall
1740 notify each newly appointed and existing appointed member of the

595-01715A-13

20132c1

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

1759 Section 25. For the purpose of incorporating the amendment
1760 made to this act to section 112.3143, Florida Statutes, in a
1761 reference thereto, paragraph (d) of subsection (6) of section
1762 627.351, Florida Statutes, is reenacted to read:

1763 627.351 Insurance risk apportionment plans.—

1764 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1765 (d)1. All prospective employees for senior management
1766 positions, as defined by the plan of operation, are subject to
1767 background checks as a prerequisite for employment. The office
1768 shall conduct the background checks pursuant to ss. 624.34,
1769 624.404(3), and 628.261.

595-01715A-13

20132c1

1770 2. On or before July 1 of each year, employees of the
1771 corporation must sign and submit a statement attesting that they
1772 do not have a conflict of interest, as defined in part III of
1773 chapter 112. As a condition of employment, all prospective
1774 employees must sign and submit to the corporation a conflict-of-
1775 interest statement.

1776 3. Senior managers and members of the board of governors
1777 are subject to part III of chapter 112, including, but not
1778 limited to, the code of ethics and public disclosure and
1779 reporting of financial interests, pursuant to s. 112.3145.
1780 Notwithstanding s. 112.3143(2), a board member may not vote on
1781 any measure that would inure to his or her special private gain
1782 or loss; that he or she knows would inure to the special private
1783 gain or loss of any principal by whom he or she is retained or
1784 to the parent organization or subsidiary of a corporate
1785 principal by which he or she is retained, other than an agency
1786 as defined in s. 112.312; or that he or she knows would inure to
1787 the special private gain or loss of a relative or business
1788 associate of the public officer. Before the vote is taken, such
1789 member shall publicly state to the assembly the nature of his or
1790 her interest in the matter from which he or she is abstaining
1791 from voting and, within 15 days after the vote occurs, disclose
1792 the nature of his or her interest as a public record in a
1793 memorandum filed with the person responsible for recording the
1794 minutes of the meeting, who shall incorporate the memorandum in
1795 the minutes. Senior managers and board members are also required
1796 to file such disclosures with the Commission on Ethics and the
1797 Office of Insurance Regulation. The executive director of the
1798 corporation or his or her designee shall notify each existing

595-01715A-13

20132c1

1799 and newly appointed member of the board of governors and senior
1800 managers of their duty to comply with the reporting requirements
1801 of part III of chapter 112. At least quarterly, the executive
1802 director or his or her designee shall submit to the Commission
1803 on Ethics a list of names of the senior managers and members of
1804 the board of governors who are subject to the public disclosure
1805 requirements under s. 112.3145.

1806 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1807 provision of law, an employee or board member may not knowingly
1808 accept, directly or indirectly, any gift or expenditure from a
1809 person or entity, or an employee or representative of such
1810 person or entity, which has a contractual relationship with the
1811 corporation or who is under consideration for a contract. An
1812 employee or board member who fails to comply with subparagraph
1813 3. or this subparagraph is subject to penalties provided under
1814 ss. 112.317 and 112.3173.

1815 5. Any senior manager of the corporation who is employed on
1816 or after January 1, 2007, regardless of the date of hire, who
1817 subsequently retires or terminates employment is prohibited from
1818 representing another person or entity before the corporation for
1819 2 years after retirement or termination of employment from the
1820 corporation.

1821 6. Any senior manager of the corporation who is employed on
1822 or after January 1, 2007, regardless of the date of hire, who
1823 subsequently retires or terminates employment is prohibited from
1824 having any employment or contractual relationship for 2 years
1825 with an insurer that has entered into a take-out bonus agreement
1826 with the corporation.

1827 Section 26. This act shall take effect upon becoming a law.