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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; creating s. 112.3142, F.S.; defining the
19 term "constitutional officers"; requiring
20 constitutional officers to complete annual ethics
21 training; specifying requirements for ethics training;
22 requiring the commission to adopt rules to establish
23 minimum course content; requiring each house of the
24 Legislature to provide for ethics training pursuant to
25 its rules; creating s. 112.31425, F.S.; providing
26 legislative findings; providing that holding an
27 economic interest in a qualified blind trust is not a
28 prohibited conflict of interest; providing that a
29 public officer may not attempt to influence, exercise

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

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

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

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

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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;

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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

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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,

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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.

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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

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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

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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

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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

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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

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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. Section 112.3142, Florida Statutes, is created
413 to read:

414 112.3142 Ethics training for specified constitutional
415 officers.—

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

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

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

435 (3) Each house of the Legislature shall provide for ethics

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436 training pursuant to its rules.

437 Section 5. Section 112.31425, Florida Statutes, is created
438 to read:

439 112.31425 Qualified blind trusts.—

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

444 (2) If a public officer holds a beneficial interest in a
445 qualified blind trust as described in this section, he or she
446 does not have a conflict of interest prohibited under s.
447 112.313(3) or (7) or a voting conflict of interest under s.
448 112.3143 with regard to matters pertaining to that interest.

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

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

463 (a) A request for a distribution from the trust which does
464 not specify whether the distribution is to be made in cash or in

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465 kind;

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

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

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

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

488 (6) In order to constitute a qualified blind trust, the
489 trust established by the public officer must meet the following
490 requirements:

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

492 1. The public officer's spouse, child, parent, grandparent,
493 grandchild, brother, sister, parent-in-law, brother-in-law,

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494 sister-in-law, aunt, uncle, or first cousin, or the spouse of
495 any such person;

496 2. A person who is an elected or appointed public officer
497 or a public employee; or

498 3. A person who has been appointed to serve in an agency by
499 the public officer or by a public officer or public employee
500 supervised by the public officer.

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

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

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

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

517 4. Provide that the trust tax return is prepared by the
518 trustee or his or her designee and that any information relating
519 thereto is not disclosed to the public officer or to the person
520 who has a beneficial interest, except as provided in this
521 section.

522 5. Permit the trustee to notify the public officer of the

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523 date of disposition and value at disposition of any original
524 investment or interest in real property to the extent required
525 by federal tax law so that the information can be reported on
526 the public officer's applicable tax returns.

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

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

- 536 1. The date that the agreement is executed;
537 2. The name and address of the trustee; and
538 3. The acknowledgement by the trustee that he or she has
539 agreed to serve as trustee.

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

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552 original asset of the trust.

553 Section 6. Subsections (1) and (2) of section 112.3143,
554 Florida Statutes, are amended, current subsection (5) of that
555 section is renumbered as subsection (6), and a new subsection
556 (5) is added to that section, to read:

557 112.3143 Voting conflicts.—

558 (1) As used in this section:

559 (a) "Principal" includes the parent organization or
560 subsidiary of any business entity by which the public officer is
561 retained.

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

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

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

572 (2) (a) A ~~Ne~~ state public officer may not vote on any matter
573 that the officer knows would inure to his or her special private
574 gain or loss ~~is prohibited from voting in an official capacity~~
575 on any matter. However, Any state public officer who abstains
576 from voting in an official capacity upon any measure that which
577 the officer knows would inure to the officer's special private
578 gain or loss, or who votes in an official capacity on a measure
579 that; ~~which~~ he or she knows would inure to the special private
580 gain or loss of any principal by whom the officer is retained or

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

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

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

604 Section 7. Subsection (2) of section 112.3144, Florida
605 Statutes, is amended, present subsection (7) is renumbered as
606 subsection (9), and new subsections (7) and (8) are added to
607 that section, to read:

608 112.3144 Full and public disclosure of financial
609 interests.-

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610 (2) A person who is required, pursuant to s. 8, Art. II of
611 the State Constitution, to file a full and public disclosure of
612 financial interests and who has filed a full and public
613 disclosure of financial interests for any calendar or fiscal
614 year shall not be required to file a statement of financial
615 interests pursuant to s. 112.3145(2) and (3) for the same year
616 or for any part thereof notwithstanding any requirement of this
617 part. When a candidate has qualified for office, the qualifying
618 officer shall forward an electronic copy of the full and public
619 disclosure of financial interests to the commission no later
620 than July 1. The electronic copy of the full and public
621 disclosure of financial interests satisfies the annual
622 disclosure requirement of this section. A candidate who does not
623 qualify until after the annual full and public disclosure has
624 been filed pursuant to this section, ~~except that a candidate for~~
625 ~~office~~ shall file a copy of his or her disclosure with the
626 officer before whom he or she qualifies.

627 (7) (a) The commission shall treat an amended full and
628 public disclosure of financial interests that is filed prior to
629 September 1 of the current year as the original filing,
630 regardless of whether a complaint has been filed. If a complaint
631 pertaining to the current year alleges a failure to properly and
632 accurately disclose any information required by this section or
633 if a complaint filed pertaining to a previous reporting period
634 within the preceding 5 years alleges a failure to properly and
635 accurately disclose any information required to be disclosed by
636 this section, the commission may immediately follow complaint
637 procedures in s. 112.324. However, if a complaint filed after
638 August 25 alleges an immaterial, inconsequential, or de minimis

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639 error or omission, the commission may not take any action on the
640 complaint, other than notifying the filer of the complaint. The
641 filer must be given 30 days to file an amended full and public
642 disclosure of financial interests correcting any errors. If the
643 filer does not file an amended full and public disclosure of
644 financial interests within 30 days after the commission sends
645 notice of the complaint, the commission may continue with
646 proceedings pursuant to s. 112.324.

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

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

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668 filing provided sufficient information for the public to
669 identify potential conflicts of interest.

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

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

693 Section 8. Section 112.31445, Florida Statutes, is created
694 to read:

695 112.31445 Electronic filing system; full and public
696 disclosure of financial interests.—

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

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

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

710 (a) Provide for access through the Internet.

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

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

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

719 (e) Provide a method for an attorney or certified public
720 accountant licensed in this state to sign the disclosure form to
721 indicate that he or she prepared the form in accordance with s.
722 112.3144 and the instructions for completing and filing the
723 disclosure form and that, upon his or her reasonable knowledge
724 and belief, the form is true and correct.

725 (f) Address whether additional statutory or rulemaking

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

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

741 112.3145 Disclosure of financial interests and clients
742 represented before agencies.—

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

745 (a) "Local officer" means:

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

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

753 a. The governing body of the political subdivision, if
754 appointed;

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755 ~~b. An expressway authority or transportation authority~~
756 ~~established by general law;~~

757 ~~b.e.~~ A community college or junior college district board
758 of trustees;

759 ~~c.d.~~ A board having the power to enforce local code
760 provisions;

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

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

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

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

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

792 (b) "Specified state employee" means:

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

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

805 3. The State Surgeon General or each appointed secretary,
806 assistant secretary, deputy secretary, executive director,
807 assistant executive director, or deputy executive director of
808 each state department, commission, board, or council; unless
809 otherwise provided, the division director, assistant division
810 director, deputy director, bureau chief, and assistant bureau
811 chief of any state department or division; or any person having
812 the power normally conferred upon such persons, by whatever

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813 title.

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

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

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

828 7. Each employee of the Commission on Ethics.

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

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

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

857 2. All sources of income to a business entity in excess of
858 10 percent of the gross income of a business entity in which the
859 reporting person held a material interest and from which he or
860 she received an amount which was in excess of 10 percent of his
861 or her gross income during the disclosure period and which
862 exceeds \$1,500. The period for computing the gross income of the
863 business entity is the fiscal year of the business entity which
864 ended on, or immediately prior to, the end of the disclosure
865 period of the person reporting;

866 3. The location or description of real property in this
867 state, except for residences and vacation homes, owned directly
868 or indirectly by the person reporting, when such person owns in
869 excess of 5 percent of the value of such real property, and a
870 general description of any intangible personal property worth in

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871 excess of 10 percent of such person's total assets. For the
872 purposes of this paragraph, indirect ownership does not include
873 ownership by a spouse or minor child; and

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

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

883 2. All sources of income to a business entity in excess of
884 10 percent of the gross income of a business entity in which the
885 reporting person held a material interest and from which he or
886 she received gross income exceeding \$5,000 during the disclosure
887 period. The period for computing the gross income of the
888 business entity is the fiscal year of the business entity which
889 ended on, or immediately prior to, the end of the disclosure
890 period of the person reporting;

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

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

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900
901 A person filing a statement of financial interests shall
902 indicate on the statement whether he or she is using the method
903 specified in paragraph (a) or paragraph (b) of this subsection.

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

923 (b) For purposes of the final statement of financial
924 interests, the commission shall treat a new final statement of
925 financial interests, as the original filing, if filed within 60
926 days of the original filing regardless of whether a complaint
927 has been filed. If, more than 60 days after a final statement of
928 financial interests is filed, a complaint is filed alleging a

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

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

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

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

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

967 Section 10. Section 112.31455, Florida Statutes, is created
968 to read:

969 112.31455 Collection methods for unpaid automatic fines for
970 failure to timely file disclosure of financial interests.-

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

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

986 (b) The Chief Financial Officer or the governing body of

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987 the county, municipality, or special district may retain an
988 amount of each withheld payment, as provided in s. 77.0305, to
989 cover the administrative costs incurred under this section.

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

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

1001 (b) Seek garnishment of any wages to satisfy the amount of
1002 the fine, or any unpaid portion thereof, pursuant to chapter 77.
1003 Upon recording the order imposing the fine with the clerk of the
1004 circuit court, the order shall be deemed a judgment for purposes
1005 of garnishment pursuant to chapter 77.

1006 (3) If a person holds an interest of \$10,000 or less in a
1007 single motor vehicle as defined in s. 320.01, that interest is
1008 exempt from the collection methods authorized by this section.

1009 (4) The commission may refer unpaid fines to the
1010 appropriate collection agency, as directed by the Chief
1011 Financial Officer, to utilize any collection methods provided by
1012 law. Except as expressly limited by this section, any other
1013 collection methods authorized by law are allowed.

1014 (5) Action may be taken to collect any unpaid fine imposed
1015 by ss. 112.3144 and 112.3145 within 20 years after the date the

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1016 final order is rendered.

1017 Section 11. Section 112.3147, Florida Statutes, is amended
1018 to read:

1019 112.3147 Forms.—Except as otherwise provided, all
1020 information required to be furnished by ss. 112.313, 112.3143,
1021 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
1022 of the State Constitution shall be on forms prescribed by the
1023 Commission on Ethics.

1024 Section 12. Paragraph (e) of subsection (2) of section
1025 112.3148, Florida Statutes, is amended and paragraph (f) is
1026 added to that subsection, and subsections (3) through (5) of
1027 that section are amended, to read:

1028 112.3148 Reporting and prohibited receipt of gifts by
1029 individuals filing full or limited public disclosure of
1030 financial interests and by procurement employees.—

1031 (2) As used in this section:

1032 (e) "Procurement employee" means any employee of an
1033 officer, department, board, commission, ~~or~~ council, or agency of
1034 the executive branch or judicial branch of state government who
1035 has participated in the preceding 12 months ~~participates~~ through
1036 decision, approval, disapproval, recommendation, preparation of
1037 any part of a purchase request, influencing the content of any
1038 specification or procurement standard, rendering of advice,
1039 investigation, or auditing or in any other advisory capacity in
1040 the procurement of contractual services or commodities as
1041 defined in s. 287.012, if the cost of such services or
1042 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
1043 any fiscal year.

1044 (f) "Vendor" means a business entity doing business

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1045 directly with an agency, such as renting, leasing, or selling
1046 any realty, goods, or services.

1047 (3) A reporting individual or procurement employee is
1048 prohibited from soliciting any gift from a vendor doing business
1049 with the reporting individual's or procurement employee's agency
1050 or from a political committee or committee of continuous
1051 existence, as defined in s. 106.011, or from a lobbyist who
1052 lobbies the reporting individual's or procurement employee's
1053 agency, or the partner, firm, employer, or principal of such
1054 lobbyist, where such gift is for the personal benefit of the
1055 reporting individual or procurement employee, another reporting
1056 individual or procurement employee, or any member of the
1057 immediate family of a reporting individual or procurement
1058 employee.

1059 (4) A reporting individual or procurement employee or any
1060 other person on his or her behalf is prohibited from knowingly
1061 accepting, directly or indirectly, a gift from a vendor doing
1062 business with the reporting individual's or procurement
1063 employee's agency or from a political committee or committee of
1064 continuous existence, as defined in s. 106.011, or from a
1065 lobbyist who lobbies the reporting individual's or procurement
1066 employee's agency, or directly or indirectly on behalf of the
1067 partner, firm, employer, or principal of a lobbyist, if he or
1068 she knows or reasonably believes that the gift has a value in
1069 excess of \$100; however, such a gift may be accepted by such
1070 person on behalf of a governmental entity or a charitable
1071 organization. If the gift is accepted on behalf of a
1072 governmental entity or charitable organization, the person
1073 receiving the gift shall not maintain custody of the gift for

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1074 any period of time beyond that reasonably necessary to arrange
1075 for the transfer of custody and ownership of the gift.

1076 (5) (a) A vendor doing business with the reporting
1077 individual's or procurement employee's agency ~~A political~~
1078 ~~committee or a committee of continuous existence, as defined in~~
1079 ~~s. 106.011~~; a lobbyist who lobbies a reporting individual's or
1080 procurement employee's agency; the partner, firm, employer, or
1081 principal of a lobbyist; or another on behalf of the lobbyist or
1082 partner, firm, principal, or employer of the lobbyist is
1083 prohibited from giving, either directly or indirectly, a gift
1084 that has a value in excess of \$100 to the reporting individual
1085 or procurement employee or any other person on his or her
1086 behalf; however, such person may give a gift having a value in
1087 excess of \$100 to a reporting individual or procurement employee
1088 if the gift is intended to be transferred to a governmental
1089 entity or a charitable organization.

1090 (b) However, a person who is regulated by this subsection,
1091 who is not regulated by subsection (6), and who makes, or
1092 directs another to make, an individual gift having a value in
1093 excess of \$25, but not in excess of \$100, other than a gift that
1094 the donor knows will be accepted on behalf of a governmental
1095 entity or charitable organization, must file a report on the
1096 last day of each calendar quarter for the previous calendar
1097 quarter in which a reportable gift is made. The report shall be
1098 filed with the Commission on Ethics, except with respect to
1099 gifts to reporting individuals of the legislative branch, in
1100 which case the report shall be filed with the Office of
1101 Legislative Services. The report must contain a description of
1102 each gift, the monetary value thereof, the name and address of

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

1111 Section 13. Section 112.31485, Florida Statutes, is created
1112 to read:

1113 112.31485 Prohibition on gifts involving political
1114 committees and committees of continuous existence.—

1115 (1) (a) For purposes of this section, the term "gift" means
1116 any purchase, payment, distribution, loan, advance, transfer of
1117 funds, or disbursement of money or anything of value that is not
1118 primarily related to contributions, expenditures, or other
1119 political activities authorized pursuant to chapter 106.

1120 (b) For purposes of this section, the term "immediate
1121 family" means any parent, spouse, child, or sibling.

1122 (2) (a) A reporting individual or procurement employee or a
1123 member of his or her immediate family is prohibited from
1124 soliciting or knowingly accepting, directly or indirectly, any
1125 gift from a political committee or committee of continuous
1126 existence.

1127 (b) A political committee or committee of continuous
1128 existence is prohibited from giving, directly or indirectly, any
1129 gift to a reporting individual or procurement employee or a
1130 member of his or her immediate family.

1131 (3) Any person who violates this section is subject to a

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

1141 Section 14. Paragraph (e) of subsection (1) of section
1142 112.3149, Florida Statutes, is amended, and paragraph (f) is
1143 added to that subsection, and subsections (3) and (4) of that
1144 section are amended, to read:

1145 112.3149 Solicitation and disclosure of honoraria.—

1146 (1) As used in this section:

1147 (e) "Procurement employee" means any employee of an
1148 officer, department, board, commission, ~~or~~ council, or agency of
1149 the executive branch or judicial branch of state government who
1150 has participated in the preceding 12 months ~~participates~~ through
1151 decision, approval, disapproval, recommendation, preparation of
1152 any part of a purchase request, influencing the content of any
1153 specification or procurement standard, rendering of advice,
1154 investigation, or auditing or in any other advisory capacity in
1155 the procurement of contractual services or commodities as
1156 defined in s. 287.012, if the cost of such services or
1157 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1158 (f) "Vendor" means a business entity doing business
1159 directly with an agency, such as renting, leasing, or selling
1160 any realty, goods, or services.

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1161 (3) A reporting individual or procurement employee is
1162 prohibited from knowingly accepting an honorarium from a
1163 political committee or committee of continuous existence, as
1164 defined in s. 106.011, from a vendor doing business with the
1165 reporting individual's or procurement employee's agency, from a
1166 lobbyist who lobbies the reporting individual's or procurement
1167 employee's agency, or from the employer, principal, partner, or
1168 firm of such a lobbyist.

1169 (4) A political committee or committee of continuous
1170 existence, as defined in s. 106.011, a vendor doing business
1171 with the reporting individual's or procurement employee's
1172 agency, a lobbyist who lobbies a reporting individual's or
1173 procurement employee's agency, or the employer, principal,
1174 partner, or firm of such a lobbyist is prohibited from giving an
1175 honorarium to a reporting individual or procurement employee.

1176 Section 15. Section 112.317, Florida Statutes, is amended
1177 to read:

1178 112.317 Penalties.—

1179 (1) Any violation of ~~any provision of~~ this part, including,
1180 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required
1181 by this part or violation of any standard of conduct imposed by
1182 this part, or any violation of ~~any provision of~~ s. 8, Art. II of
1183 the State Constitution, in addition to any criminal penalty or
1184 other civil penalty involved, ~~shall,~~ under applicable
1185 constitutional and statutory procedures, constitutes ~~constitute~~
1186 grounds for, and may be punished by, one or more of the
1187 following:

1188 (a) In the case of a public officer:

1189 1. Impeachment.

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

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1219 Constitution:

1220 1. Disqualification from being on the ballot.

1221 2. Public censure.

1222 3. Reprimand.

1223 4. A civil penalty not to exceed \$10,000.

1224 (d) In the case of a former public officer or employee who
1225 has violated a provision applicable to former officers or
1226 employees or whose violation occurred before the officer's or
1227 employee's leaving public office or employment:

1228 1. Public censure and reprimand.

1229 2. A civil penalty not to exceed \$10,000.

1230 3. Restitution of any pecuniary benefits received because
1231 of the violation committed. The commission may recommend that
1232 the restitution penalty be paid to the agency of the public
1233 officer or employee or to the General Revenue Fund.

1234 (e) In the case of a person who is subject to the standards
1235 of this part, other than a lobbyist or lobbying firm under s.
1236 112.3215 for a violation of s. 112.3215, but who is not a public
1237 officer or employee:

1238 1. Public censure and reprimand.

1239 2. A civil penalty not to exceed \$10,000.

1240 3. Restitution of any pecuniary benefits received because
1241 of the violation committed. The commission may recommend that
1242 the restitution penalty be paid to the agency of the person or
1243 to the General Revenue Fund.

1244 (2) In any case in which the commission finds a violation
1245 of this part or of s. 8, Art. II of the State Constitution and
1246 the proper disciplinary official or body under s. 112.324
1247 imposes a civil penalty or restitution penalty, the Attorney

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

1256 (3) The penalties prescribed in this part shall not be
1257 construed to limit or to conflict with:

1258 (a) The power of either house of the Legislature to
1259 discipline its own members or impeach a public officer.

1260 (b) The power of agencies to discipline officers or
1261 employees.

1262 (4) Any violation of this part or of s. 8, Art. II of the
1263 State Constitution by a public officer constitutes ~~shall~~
1264 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1265 office within the meaning of s. 7, Art. IV of the State
1266 Constitution.

1267 (5) By order of the Governor, upon recommendation of the
1268 commission, any elected municipal officer who violates ~~any~~
1269 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1270 Constitution may be suspended from office and the office filled
1271 by appointment for the period of suspension. The suspended
1272 officer may at any time before removal be reinstated by the
1273 Governor. The Senate may, in proceedings prescribed by law,
1274 remove from office, or reinstate, the suspended official, and
1275 for such purpose the Senate may be convened in special session
1276 by its President or by a majority of its membership.

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1277 (6) In any case in which the commission finds probable
1278 cause to believe that a complainant has committed perjury in
1279 regard to any document filed with, or any testimony given
1280 before, the commission, it shall refer such evidence to the
1281 appropriate law enforcement agency for prosecution and taxation
1282 of costs.

1283 (7) In any case in which the commission determines that a
1284 person has filed a complaint against a public officer or
1285 employee with a malicious intent to injure the reputation of
1286 such officer or employee by filing the complaint with knowledge
1287 that the complaint contains one or more false allegations or
1288 with reckless disregard for whether the complaint contains false
1289 allegations of fact material to a violation of this part, the
1290 complainant shall be liable for costs plus reasonable attorney
1291 ~~attorney's~~ fees incurred in the defense of the person complained
1292 against, including the costs and reasonable attorney ~~attorney's~~
1293 fees incurred in proving entitlement to and the amount of costs
1294 and fees. If the complainant fails to pay such costs and fees
1295 voluntarily within 30 days following such finding by the
1296 commission, the commission shall forward such information to the
1297 Department of Legal Affairs, which shall bring a civil action in
1298 a court of competent jurisdiction to recover the amount of such
1299 costs and fees awarded by the commission.

1300 Section 16. Paragraphs (a) and (c) of subsection (8) and
1301 subsection (10) of section 112.3215, Florida Statutes, are
1302 amended, present subsections (11) through (14) are renumbered as
1303 (12) through (15), respectively, and a new subsection (11) is
1304 added to that section to read:

1305 112.3215 Lobbying before the executive branch or the

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1306 Constitution Revision Commission; registration and reporting;
1307 investigation by commission.—

1308 (8) (a) The commission shall investigate every sworn
1309 complaint that is filed with it alleging that a person covered
1310 by this section has failed to register, has failed to submit a
1311 compensation report, has made a prohibited expenditure, or has
1312 knowingly submitted false information in any report or
1313 registration required in this section.

1314 (c) The commission shall investigate any lobbying firm,
1315 lobbyist, principal, agency, officer, or employee upon receipt
1316 of information from a sworn complaint or from a random audit of
1317 lobbying reports indicating a possible violation other than a
1318 late-filed report.

1319 (10) If the Governor and Cabinet finds that a violation
1320 occurred, it may reprimand the violator, censure the violator,
1321 or prohibit the violator from lobbying all agencies for a period
1322 not to exceed 2 years. If the violator is a lobbying firm,
1323 lobbyist, or principal, the Governor and Cabinet may also assess
1324 a fine of not more than \$5,000 to be deposited in the Executive
1325 Branch Lobby Registration Trust Fund.

1326 (11) Any person who is required to be registered or to
1327 provide information under this section or under rules adopted
1328 pursuant to this section and who knowingly fails to disclose any
1329 material fact that is required by this section or by rules
1330 adopted pursuant to this section, or who knowingly provides
1331 false information on any report required by this section or by
1332 rules adopted pursuant to this section, commits a noncriminal
1333 infraction, punishable by a fine not to exceed \$5,000. Such
1334 penalty is in addition to any other penalty assessed by the

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1335 Governor and Cabinet pursuant to subsection (10).

1336 Section 17. Section 112.324, Florida Statutes, is amended
1337 to read:

1338 112.324 Procedures on complaints of violations and
1339 referrals; public records and meeting exemptions.—

1340 (1) ~~Upon a written complaint executed on a form prescribed~~
1341 ~~by the commission and signed under oath or affirmation by any~~
1342 ~~person,~~ The commission shall investigate an any alleged
1343 violation of this part or ~~any~~ other alleged breach of the public
1344 trust within the jurisdiction of the commission as provided in
1345 s. 8(f), Art. II of the State Constitution: ~~in accordance with~~
1346 ~~procedures set forth herein.~~

1347 (a) Upon a written complaint executed on a form prescribed
1348 by the commission and signed under oath of affirmation by any
1349 person; or

1350 (b) Upon receipt of a written referral of a possible
1351 violation of this part or other possible breach of the public
1352 trust from the Governor, the Department of Law Enforcement, a
1353 state attorney, or a United States Attorney which at least six
1354 members of the commission determine is sufficient to indicate a
1355 violation of this part or any other breach of the public trust.

1356
1357 Within 5 days after receipt of a complaint by the commission or
1358 a determination by at least six members of the commission that
1359 the referral received is deemed sufficient, a copy shall be
1360 transmitted to the alleged violator.

1361 (2) (a) The complaint and records relating to the complaint
1362 or to any preliminary investigation held by the commission or
1363 its agents, by a Commission on Ethics and Public Trust

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

1371 (b) Any proceeding conducted by the commission, a
1372 Commission on Ethics and Public Trust, or a county or
1373 municipality that has established such local investigatory
1374 process, pursuant to a complaint or preliminary investigation,
1375 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1376 the State Constitution, and s. 120.525.

1377 (c) The exemptions in paragraphs (a) and (b) apply until
1378 the complaint is dismissed as legally insufficient, until the
1379 alleged violator requests in writing that such records and
1380 proceedings be made public, or until the commission, a
1381 Commission on Ethics and Public Trust, or a county or
1382 municipality that has established such local investigatory
1383 process determines, based on such investigation, whether
1384 probable cause exists to believe that a violation has occurred.
1385 ~~In no event shall~~ A complaint or referral under this part
1386 against a candidate in any general, special, or primary election
1387 may not be filed nor may ~~or~~ any intention of filing such a
1388 complaint or referral be disclosed on the day of any such
1389 election or within the 30 ~~5~~ days immediately preceding the date
1390 of the election, unless the complaint or referral is based upon
1391 personal information or information other than hearsay.

1392 (d) This subsection is subject to the Open Government

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1393 Sunset Review Act in accordance with s. 119.15 and shall stand
1394 repealed on October 2, 2015, unless reviewed and saved from
1395 repeal through reenactment by the Legislature.

1396 (3) A preliminary investigation shall be undertaken by the
1397 commission of each legally sufficient complaint or referral over
1398 which the commission has jurisdiction to determine whether there
1399 is probable cause to believe that a violation has occurred. If,
1400 upon completion of the preliminary investigation, the commission
1401 finds no probable cause to believe that this part has been
1402 violated or that any other breach of the public trust has been
1403 committed, the commission shall dismiss the complaint or
1404 referral with the issuance of a public report to the complainant
1405 and the alleged violator, stating with particularity its reasons
1406 for dismissal ~~of the complaint~~. At that time, the complaint or
1407 referral and all materials relating to the complaint or referral
1408 shall become a matter of public record. If the commission finds
1409 from the preliminary investigation probable cause to believe
1410 that this part has been violated or that any other breach of the
1411 public trust has been committed, it shall so notify the
1412 complainant and the alleged violator in writing. Such
1413 notification and all documents made or received in the
1414 disposition of the complaint or referral shall then become
1415 public records. Upon request submitted to the commission in
1416 writing, any person who the commission finds probable cause to
1417 believe has violated any provision of this part or has committed
1418 any other breach of the public trust shall be entitled to a
1419 public hearing. Such person shall be deemed to have waived the
1420 right to a public hearing if the request is not received within
1421 14 days following the mailing of the probable cause notification

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

1433 (4) If, in cases pertaining to members of the Legislature,
1434 upon completion of a full and final investigation by the
1435 commission, the commission finds that there has been a violation
1436 of this part or of any provision of s. 8, Art. II of the State
1437 Constitution, the commission shall forward a copy of the
1438 complaint or referral and its findings by certified mail to the
1439 President of the Senate or the Speaker of the House of
1440 Representatives, whichever is applicable, who shall refer the
1441 complaint or referral to the appropriate committee for
1442 investigation and action which shall be governed by the rules of
1443 its respective house. It is ~~shall be~~ the duty of the committee
1444 to report its final action upon the matter ~~complaint~~ to the
1445 commission within 90 days of the date of transmittal to the
1446 respective house. Upon request of the committee, the commission
1447 shall submit a recommendation as to what penalty, if any, should
1448 be imposed. In the case of a member of the Legislature, the
1449 house in which the member serves has ~~shall have~~ the power to
1450 invoke the penalty provisions of this part.

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1451 (5) If, in cases ~~pertaining to complaints~~ against
1452 impeachable officers, upon completion of a full and final
1453 investigation by the commission, the commission finds that there
1454 has been a violation of this part or of any provision of s. 8,
1455 Art. II of the State Constitution, and the commission finds that
1456 the violation may constitute grounds for impeachment, the
1457 commission shall forward a copy of the complaint or referral and
1458 its findings by certified mail to the Speaker of the House of
1459 Representatives, who shall refer the complaint or referral to
1460 the appropriate committee for investigation and action which
1461 shall be governed by the rules of the House of Representatives.
1462 It is ~~shall be~~ the duty of the committee to report its final
1463 action upon the matter ~~complaint~~ to the commission within 90
1464 days of the date of transmittal.

1465 (6) If the commission finds that there has been a violation
1466 of this part or of any provision of s. 8, Art. II of the State
1467 Constitution by an impeachable officer other than the Governor,
1468 and the commission recommends public censure and reprimand,
1469 forfeiture of a portion of the officer's salary, a civil
1470 penalty, or restitution, the commission shall report its
1471 findings and recommendation of disciplinary action to the
1472 Governor, who has ~~shall have~~ the power to invoke the penalty
1473 provisions of this part.

1474 (7) If the commission finds that there has been a violation
1475 of this part or of any provision of s. 8, Art. II of the State
1476 Constitution by the Governor, and the commission recommends
1477 public censure and reprimand, forfeiture of a portion of the
1478 Governor's salary, a civil penalty, or restitution, the
1479 commission shall report its findings and recommendation of

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1480 disciplinary action to the Attorney General, who shall have the
1481 power to invoke the penalty provisions of this part.

1482 (8) If, in cases ~~pertaining to complaints~~ other than
1483 complaints or referrals against impeachable officers or members
1484 of the Legislature, upon completion of a full and final
1485 investigation by the commission, the commission finds that there
1486 has been a violation of this part or of s. 8, Art. II of the
1487 State Constitution, it is ~~shall be~~ the duty of the commission to
1488 report its findings and recommend appropriate action to the
1489 proper disciplinary official or body as follows, and such
1490 official or body has ~~shall have~~ the power to invoke the penalty
1491 provisions of this part, including the power to order the
1492 appropriate elections official to remove a candidate from the
1493 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1494 II of the State Constitution:

1495 (a) The President of the Senate and the Speaker of the
1496 House of Representatives, jointly, in any case concerning the
1497 Public Counsel, members of the Public Service Commission,
1498 members of the Public Service Commission Nominating Council, the
1499 Auditor General, or the director of the Office of Program Policy
1500 Analysis and Government Accountability.

1501 (b) The Supreme Court, in any case concerning an employee
1502 of the judicial branch.

1503 (c) The President of the Senate, in any case concerning an
1504 employee of the Senate; the Speaker of the House of
1505 Representatives, in any case concerning an employee of the House
1506 of Representatives; or the President and the Speaker, jointly,
1507 in any case concerning an employee of a committee of the
1508 Legislature whose members are appointed solely by the President

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1509 and the Speaker or in any case concerning an employee of the
1510 Public Counsel, Public Service Commission, Auditor General, or
1511 Office of Program Policy Analysis and Government Accountability.

1512 (d) Except as otherwise provided by this part, the
1513 Governor, in the case of any other public officer, public
1514 employee, former public officer or public employee, candidate or
1515 former candidate, or person who is not a public officer or
1516 employee, other than lobbyists and lobbying firms under s.
1517 112.3215 for violations of s. 112.3215.

1518 (e) The President of the Senate or the Speaker of the House
1519 of Representatives, whichever is applicable, in any case
1520 concerning a former member of the Legislature who has violated a
1521 provision applicable to former members or whose violation
1522 occurred while a member of the Legislature.

1523 (9) In addition to reporting its findings to the proper
1524 disciplinary body or official, the commission shall report these
1525 findings to the state attorney or any other appropriate official
1526 or agency having authority to initiate prosecution when
1527 violation of criminal law is indicated.

1528 (10) Notwithstanding the foregoing procedures of this
1529 section, a sworn complaint against any member or employee of the
1530 Commission on Ethics for violation of this part or of s. 8, Art.
1531 II of the State Constitution shall be filed with the President
1532 of the Senate and the Speaker of the House of Representatives.
1533 Each presiding officer shall, after determining that there are
1534 sufficient grounds for review, appoint three members of their
1535 respective bodies to a special joint committee who shall
1536 investigate the complaint. The members shall elect a chair from
1537 among their number. If the special joint committee finds

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

1554 (11) (a) Notwithstanding subsections (1)-(8), the commission
1555 shall dismiss any complaint or referral at any stage of
1556 disposition should it determine that the violation that is
1557 alleged or has occurred is a de minimis violation attributable
1558 to inadvertent or unintentional error. In determining whether a
1559 violation was de minimis, the commission shall consider whether
1560 the interests of the public were protected despite the
1561 violation. This subsection does not apply to complaints or
1562 referrals pursuant to ss. 112.3144 and 112.3145.

1563 (b) For the purposes of this subsection, a de minimis
1564 violation is any violation that is unintentional and not
1565 material in nature.

1566 (12) ~~(11)~~ Notwithstanding the provisions of subsections (1)-

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

1573 Section 18. For the purpose of incorporating the amendment
1574 made by this act to section 112.3143, Florida Statutes, in a
1575 reference thereto, subsection (1) of section 120.665, Florida
1576 Statutes, is reenacted to read:

1577 120.665 Disqualification of agency personnel.—

1578 (1) Notwithstanding the provisions of s. 112.3143, any
1579 individual serving alone or with others as an agency head may be
1580 disqualified from serving in an agency proceeding for bias,
1581 prejudice, or interest when any party to the agency proceeding
1582 shows just cause by a suggestion filed within a reasonable
1583 period of time prior to the agency proceeding. If the
1584 disqualified individual was appointed, the appointing power may
1585 appoint a substitute to serve in the matter from which the
1586 individual is disqualified. If the individual is an elected
1587 official, the Governor may appoint a substitute to serve in the
1588 matter from which the individual is disqualified. However, if a
1589 quorum remains after the individual is disqualified, it shall
1590 not be necessary to appoint a substitute.

1591 Section 19. For the purpose of incorporating the amendment
1592 made by this act to section 112.3143, Florida Statutes, in a
1593 reference thereto, section 286.012, Florida Statutes, is
1594 reenacted to read:

1595 286.012 Voting requirement at meetings of governmental

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

1607 Section 20. For the purpose of incorporating the amendment
1608 made by this act to section 112.324, Florida Statutes, in a
1609 reference thereto, section 287.175, Florida Statutes, is
1610 reenacted to read:

1611 287.175 Penalties.—A violation of this part or a rule
1612 adopted hereunder, pursuant to applicable constitutional and
1613 statutory procedures, constitutes misuse of public position as
1614 defined in s. 112.313(6), and is punishable as provided in s.
1615 112.317. The Chief Financial Officer shall report incidents of
1616 suspected misuse to the Commission on Ethics, and the commission
1617 shall investigate possible violations of this part or rules
1618 adopted hereunder when reported by the Chief Financial Officer,
1619 notwithstanding the provisions of s. 112.324. Any violation of
1620 this part or a rule adopted hereunder shall be presumed to have
1621 been committed with wrongful intent, but such presumption is
1622 rebuttable. Nothing in this section is intended to deny rights
1623 provided to career service employees by s. 110.227.

1624 Section 21. Paragraph (c) of subsection (1) of section

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1625 288.901, Florida Statutes, is amended to read:

1626 288.901 Enterprise Florida, Inc.—

1627 (1) CREATION.—

1628 (c) The Legislature determines that it is in the public
1629 interest for the members of Enterprise Florida, Inc., board of
1630 directors to be subject to the requirements of ss. 112.3135,
1631 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1632 notwithstanding the fact that the board members are not public
1633 officers or employees. For purposes of those sections, the board
1634 members shall be considered to be public officers or employees.
1635 The exemption set forth in s. 112.313(12) for advisory boards
1636 applies to the members of Enterprise Florida, Inc., board of
1637 directors. Further, each member of the board of directors who is
1638 not otherwise required to file financial disclosures pursuant to
1639 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1640 file disclosure of financial interests pursuant to s. 112.3145.

1641 Section 22. Subsection (1) of section 445.007, Florida
1642 Statutes, is reenacted for the purpose of incorporating the
1643 amendment made by this act to section 112.3143, Florida
1644 Statutes, in a reference thereto, and subsection (11) of that
1645 section is amended, to read:

1646 445.007 Regional workforce boards.—

1647 (1) One regional workforce board shall be appointed in each
1648 designated service delivery area and shall serve as the local
1649 workforce investment board pursuant to Pub. L. No. 105-220. The
1650 membership of the board shall be consistent with Pub. L. No.
1651 105-220, Title I, s. 117(b) but may not exceed the minimum
1652 membership required in Pub. L. No. 105-220, Title I, s.
1653 117(b) (2) (A) and in this subsection. Upon approval by the

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

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

1698 (11) To increase transparency and accountability, a
1699 regional workforce board must comply with the requirements of
1700 this section before contracting with a member of the board or a
1701 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1702 board member or of an employee of the board. Such contracts may
1703 not be executed before or without the approval of Workforce
1704 Florida, Inc. Such contracts, as well as documentation
1705 demonstrating adherence to this section as specified by
1706 Workforce Florida, Inc., must be submitted to the Department of
1707 Economic Opportunity for review and recommendation according to
1708 criteria to be determined by Workforce Florida, Inc. Such a
1709 contract must be approved by a two-thirds vote of the board, a
1710 quorum having been established; all conflicts of interest must
1711 be disclosed before the vote; and any member who may benefit

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

1725 Section 23. For the purpose of incorporating the amendment
1726 made by this act to section 112.3143, Florida Statutes, in a
1727 reference thereto, paragraph (m) of subsection (5) of section
1728 627.311, Florida Statutes, is reenacted to read:

1729 627.311 Joint underwriters and joint reinsurers; public
1730 records and public meetings exemptions.—

1731 (5)

1732 (m) Senior managers and officers, as defined in the plan of
1733 operation, and members of the board of governors are subject to
1734 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1735 112.316, and 112.317. Senior managers, officers, and board
1736 members are also required to file such disclosures with the
1737 Commission on Ethics and the Office of Insurance Regulation. The
1738 executive director of the plan or his or her designee shall
1739 notify each newly appointed and existing appointed member of the
1740 board of governors, senior manager, and officer of his or her

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

1758 Section 24. For the purpose of incorporating the amendment
1759 made to this act to section 112.3143, Florida Statutes, in a
1760 reference thereto, paragraph (d) of subsection (6) of section
1761 627.351, Florida Statutes, is reenacted to read:

1762 627.351 Insurance risk apportionment plans.—

1763 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1764 (d)1. All prospective employees for senior management
1765 positions, as defined by the plan of operation, are subject to
1766 background checks as a prerequisite for employment. The office
1767 shall conduct the background checks pursuant to ss. 624.34,
1768 624.404(3), and 628.261.

1769 2. On or before July 1 of each year, employees of the

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

1775 3. Senior managers and members of the board of governors
1776 are subject to part III of chapter 112, including, but not
1777 limited to, the code of ethics and public disclosure and
1778 reporting of financial interests, pursuant to s. 112.3145.
1779 Notwithstanding s. 112.3143(2), a board member may not vote on
1780 any measure that would inure to his or her special private gain
1781 or loss; that he or she knows would inure to the special private
1782 gain or loss of any principal by whom he or she is retained or
1783 to the parent organization or subsidiary of a corporate
1784 principal by which he or she is retained, other than an agency
1785 as defined in s. 112.312; or that he or she knows would inure to
1786 the special private gain or loss of a relative or business
1787 associate of the public officer. Before the vote is taken, such
1788 member shall publicly state to the assembly the nature of his or
1789 her interest in the matter from which he or she is abstaining
1790 from voting and, within 15 days after the vote occurs, disclose
1791 the nature of his or her interest as a public record in a
1792 memorandum filed with the person responsible for recording the
1793 minutes of the meeting, who shall incorporate the memorandum in
1794 the minutes. Senior managers and board members are also required
1795 to file such disclosures with the Commission on Ethics and the
1796 Office of Insurance Regulation. The executive director of the
1797 corporation or his or her designee shall notify each existing
1798 and newly appointed member of the board of governors and senior

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

1805 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1806 provision of law, an employee or board member may not knowingly
1807 accept, directly or indirectly, any gift or expenditure from a
1808 person or entity, or an employee or representative of such
1809 person or entity, which has a contractual relationship with the
1810 corporation or who is under consideration for a contract. An
1811 employee or board member who fails to comply with subparagraph
1812 3. or this subparagraph is subject to penalties provided under
1813 ss. 112.317 and 112.3173.

1814 5. Any senior manager of the corporation who is employed on
1815 or after January 1, 2007, regardless of the date of hire, who
1816 subsequently retires or terminates employment is prohibited from
1817 representing another person or entity before the corporation for
1818 2 years after retirement or termination of employment from the
1819 corporation.

1820 6. Any senior manager of the corporation who is employed on
1821 or after January 1, 2007, regardless of the date of hire, who
1822 subsequently retires or terminates employment is prohibited from
1823 having any employment or contractual relationship for 2 years
1824 with an insurer that has entered into a take-out bonus agreement
1825 with the corporation.

1826 Section 25. This act shall take effect upon becoming a law.