Senator Clemens moved the following:

**Senate Amendment (with title amendment)**

Before line 35
insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 112.3143, Florida Statutes, are amended to read:

112.3143 Voting conflicts.—

(1) As used in this section:

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

(b) “Public officer” includes any person elected or
appointed to hold office in any agency, including any person
serving on an advisory body.

(c) “Relative” means any father, mother, son, daughter,
husband, wife, brother, sister, father-in-law, mother-in-law,
son-in-law, or daughter-in-law.

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

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the
class are affected by the vote.
4. The degree to which the officer, his or her relative,
business associate, or principal receives a greater benefit or
harm when compared to other members of the class.

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

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. However, a state public officer is not prohibited from voting on a matter if the matter would result in an economic benefit or harm to the public generally or a broad segment of the public. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to any the officer’s special private gain or loss of the officer, or who votes in an official capacity on a measure that he or she knows would inure to any the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to any the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(3)(a) A county, municipal, or other local public officer may not vote in an official capacity upon any measure which would inure to his or her special private gain or
(4) An appointed public officer may not participate in any matter which would inure to the officer’s special private gain or loss; which he or she knows would inure to any the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to any the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, before the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. However, a county, municipal, or other local public officer is not prohibited from voting on a matter if the matter would result in an economic benefit or harm to the public generally or a broad segment of the public.

(a) Such disclosure, indicating the nature of the conflict,
shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, before the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made before the meeting or that any conflict is unknown before the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term “participate” means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.

Section 2. Paragraph (a) of subsection (7) and paragraph (e) of subsection (11) of section 155.40, Florida Statutes, are amended to read:

155.40 Sale or lease of county, district, or municipal
hospital; effect of sale.—

(7) A determination by the governing board to accept a proposal for sale or lease shall be made after consideration of all proposals received and negotiations with a qualified purchaser or lessee. The governing board’s determination must include, in writing, detailed findings of all reasons for accepting the proposal.

(a) The governing board’s acceptance of a proposal for sale or lease must include a description of how the sale or lease satisfies each of the following requirements:

1. The sale or lease represents fair market value, as determined by a certified public accounting firm or other qualified firm pursuant to subsection (5). If leased at less than fair market value, the governing board shall provide a detailed explanation of how the best interests of the affected community are served by the acceptance of less than fair market value for the lease of the hospital.

2. Acceptance of the proposal will result in a reduction or elimination of ad valorem or other taxes for taxpayers in the district, if applicable.

3. The proposal includes an enforceable commitment that programs and services and quality health care will continue to be provided to all residents of the affected community, particularly to the indigent, the uninsured, and the underinsured.

4. Disclosure has been made of all conflicts of interest, including, but not limited to, whether the sale or lease of the hospital or health care system would result in any a special private gain or loss to members of the governing board or key...
management employees or members of the medical staff of the county, district, or municipal hospital, or if governing board members will be serving on the board of any successor private corporation. Conflicts of interest, if any, with respect to experts retained by the governing board shall also be disclosed.  

5. Disclosure has been made by the seller or lessor of all contracts with physicians or other entities providing health care services through a contract with the seller or lessor, including all agreements or contracts that would be void or voidable upon the consummation of the sale or lease.  

6. The proposal is in compliance with subsections (8) and (9).  

(11) Within 30 days after receiving the petition, the Secretary of Health Care Administration or his or her designee shall issue a final order approving or denying the proposed transaction based solely upon consideration of whether the procedures contained within this section have been followed by the governing board of the county, district, or municipal hospital or health care system. The order shall require the governing board to accept or reject the proposal for the sale or lease of the county, district, or municipal hospital or health care system based upon a determination that:  

(e) Any conflict of interest was disclosed, including, but not limited to, how the proposed transaction could result in any special private gain or loss to members of the governing board or key management employees of the county, district, or municipal hospital, or if governing board members will be serving on the board of any successor private corporation. Conflicts of interest, if any, with respect to experts retained
by the governing board shall also be disclosed.

Section 3. Paragraph (c) of subsection (1) of section 310.151, Florida Statutes, is amended to read:

310.151 Rates of pilotage; Pilotage Rate Review Committee.—

(1)

(c) Committee members shall comply with the disclosure requirements of s. 112.3143(4) if participating in any matter that would result in any special private gain or loss as described in that subsection.

Section 4. Subsection (6) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(6) A member of the Florida Building Commission may abstain from voting in any matter before the commission which would inure to any the commissioner’s special private gain or loss of the commissioner, which the commissioner knows would inure to any the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, or which he or she knows would inure to any the special private gain or loss of a relative or business associate of the commissioner. A commissioner shall abstain from voting under the foregoing circumstances if the matter is before the commission under ss. 120.569, 120.60, and 120.80. The commissioner shall, before the vote is taken, publicly state to the assembly the nature of the commissioner’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her other interest as a public record in a memorandum filed with the
person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Section 5. Paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

3. The executive director, senior managers, and members of the board of governors are subject to part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying part III of chapter 112 to activities of the executive director, senior managers, and members of the board of governors, those persons shall be considered public officers or employees and the corporation shall be considered their agency. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to any his or her special private gain or loss of the board member; that he or she knows would inure to any the
special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to any the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each existing and newly appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

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

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

6. The executive director, members of the board of governors, and senior managers of the corporation are prohibited from having any employment or contractual relationship for 2 years after retirement from or termination of service to the corporation with an insurer that has entered into a take-out bonus agreement with the corporation.

And the title is amended as follows:

Between lines 2 and 3
insert:
112.3143, F.S.; deleting the definition of the term “special private gain or loss”; prohibiting a public officer from voting on a measure that would inure to any gain or loss, rather than a special private gain or loss, of the officer, or a principal, relative, or business associate of the officer; prohibiting an appointed public officer from participating in any manner that would inure to any gain or loss, rather than a special private gain or loss, of the officer,
302 or a principal, relative, or business associate of the
303 officer, without requisite disclosure; amending ss.
304 155.40, 310.151, 553.77, and 627.351, F.S.; revising
305 terminology to conform to the deletion of the term
306 “special private gain or loss”; amending s.