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By the Committees on Ethics and Elections; and Community Affairs; and Senator Ingoglia

582-02916-24 2024734c2

A bill to be entitled An act relating to government accountability; amending s. 112.313, F.S.; defining the term "foreign country of concern"; prohibiting specified individuals from soliciting or accepting anything of value from a foreign country of concern; making technical changes; creating s. 112.3262, F.S.; defining terms; prohibiting a person from lobbying a county, municipality, or special district unless he or she is registered as a lobbyist with the Commission on Ethics; establishing registration requirements; requiring that lobbyist registrations be made available to the public on its website; establishing procedures for canceling a lobbyist's registration; requiring counties, municipalities, or special districts to be diligent in determining whether certain persons have registered with the commission; prohibiting counties, municipalities, or special districts from authorizing nonregistered persons to lobby specified entities; requiring the commission to investigate a lobbyist or principal upon receipt of a sworn complaint containing certain allegations; requiring the commission to provide the chief executive officer of the county or municipality or the governing body of the special district with a report on the findings and recommendations arising out of the investigation; authorizing the chief executive officer of the county or municipality or the governing body of the special district to enforce the findings and

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recommendations; providing that specified provisions preempt and supersede specified ordinances or charter provisions adopted before a specified date; amending s. 125.73, F.S.; prohibiting the governing body of a county from renewing or extending the employment contract of a county administrator during a specified timeframe; providing an exception; creating s. 125.75, F.S.; prohibiting the governing body of a county from renewing or extending the employment contract of the county attorney during a specified timeframe; providing an exception; amending s. 166.021, F.S.; prohibiting the governing body of a municipality from renewing or extending the employment contract of a chief executive officer of the municipality or the city attorney during a specified timeframe; providing exceptions; amending s. 1001.50, F.S.; prohibiting a district school board from renewing or extending the employment contract of a district school superintendent during a specified timeframe; providing an exception; creating s. 1012.336, F.S.; prohibiting a district school board from renewing or extending the employment contract of the general counsel of the district school board during a specified timeframe; providing an exception; amending s. 112.061, F.S.; conforming cross-references; reenacting ss. 28.35(1)(b), 112.3136(1), 112.3251, 288.012(6)(d), 288.8014(4), 288.9604(3)(a), 295.21(4)(d), 406.06(5), 447.509(1)(d), 627.311(5)(m), 1002.33(26)(a), 1002.333(6)(f), and 1002.83(9), F.S., relating to

members of the executive council of the Florida Clerks of Court Operations Corporation, standards of conduct for officers and employees of entities serving as chief administrative officers of political subdivisions, the ethics code and standards of conduct for citizen support and direct-support organizations, senior managers and members of the board of directors of the direct-support organization of State of Florida international offices, standards of conduct for members of the board of directors of Triumph Gulf Coast, Inc., directors of the Florida Development Finance Corporation, standards of conduct for the board of directors of Florida Is For Veterans, Inc., standards of conduct for district and associate medical examiners, prohibited actions of employee organizations, their members, agents, representatives, or persons acting on their behalf, standards of conduct for senior managers, officers, and members of the board of governors of the Office of Insurance Regulation, standards of conduct and financial disclosure for members of a governing board of a charter school, those operating schools of hope, and standards of conduct for members of an early learning coalition, respectively, to incorporate the amendments made to s. 112.313, F.S., in references thereto; providing an effective date.

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

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Section 1. Subsections (1) and (2) of section 112.313, Florida Statutes, are amended to read:

- 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—
- (1)  $\underline{\text{DEFINITIONS}}$   $\underline{\text{DEFINITION}}$ .—As used in this section, unless the context otherwise requires, the term:
- (a) "Foreign country of concern" has the same meaning as in s. 286.101.
- (b) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.
  - (2) SOLICITATION OR ACCEPTANCE OF GIFTS.-
- (a) A No public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election may not shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.
- (b) A public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election may not solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, from a foreign country of concern.
- Section 2. Section 112.3262, Florida Statutes, is created to read:
- 112.3262 Lobbying before special districts, counties, and
  municipalities; registration and reporting.-

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(1) As used in this section, the term:

- (a) "Lobby" or "lobbies" means to seek, on behalf of another person or group, to influence a county, municipality, or special district with respect to a decision of that entity in an area of policy or procurement or in an attempt to obtain the goodwill of an official or employee of such entity. The term must be interpreted and applied consistently with the rules of the commission implementing s. 112.3215.
  - (b) "Lobbyist" has the same meaning as in s. 112.3215(1).
  - (c) "Principal" has the same meaning as in s. 112.3215(1).
- (2) A person may not lobby a county, municipality, or special district unless he or she is registered as a lobbyist with the commission to lobby a county, municipality, or special district. The commission shall note in a public database that such person is registered to lobby a county, municipality, or special district. Such registration is due upon the person's initial retention as a lobbyist and is renewable on a calendaryear basis thereafter. Such person shall, at the time of registration, provide a statement signed by the principal or principal's representative stating that the registrant is authorized to represent the principal. The statement must also identify and designate the principal's main business and authorize the registrant pursuant to a classification system approved by the commission. Any changes in the information provided pursuant to this subsection must be disclosed within 15 days after the change occurs by the lobbyist filing a new registration form. The lobbyist shall disclose under oath on a lobbyist registration form used by the commission all of the following information:

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- (a) The lobbyist's name and business address.
- (b) The name and business address of each principal represented.
- (c) The existence of any direct or indirect business association, partnership, or financial relationship the lobbyist has with any officer or employee of the county, municipality, or special district that he or she lobbies or intends to lobby.
- (3) The commission shall make the registrations of lobbyists who register to lobby a county, municipality, or special district available to the public on its website.
- (4) A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. The commission may remove the name of a lobbyist from the list of registered lobbyists for counties, municipalities, and special districts if the principal notifies the state that a person is no longer authorized to represent that principal before such entity.
- (5) A county, municipality, or special district shall be diligent in determining whether persons required to register with the commission pursuant to this section have complied. A county, municipality, or special district may not knowingly authorize a person who is not registered pursuant to this section to lobby the county, municipality, or special district.
- (6) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with the commission to lobby a county, municipality, or special district or has knowingly submitted false information in a report or registration required under this section, the commission shall

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established under s. 112.324. The commission shall provide the chief executive officer of the county or municipality or the governing body of the special district with a report of its findings and recommendations arising out of any investigation conducted under this subsection. The chief executive officer of the county or municipality or the governing body of the special district may enforce the commission's findings and recommendations.

(7) This section preempts and supersedes any ordinance or charter provision establishing a lobbyist registration program adopted before July 1, 2024.

Section 3. Subsection (5) is added to section 125.73, Florida Statutes, to read:

125.73 County administrator; appointment, qualifications, compensation.—

(5) The governing body of a county may not renew or extend the employment contract of a county administrator during the 8 months immediately preceding a general election for county mayor, if applicable, or for members of the governing body of the county unless the governing body approves such renewal or extension by a unanimous vote.

Section 4. Section 125.75, Florida Statutes, is created to read:

of a county may not renew or extend the contract of the county attorney during the 8 months immediately preceding a general election for county mayor, if applicable, or for members of the governing body of the county unless the governing body approves

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such renewal or extension by a unanimous vote.

Section 5. Present subsection (9) of section 166.021, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

166.021 Powers.-

- (9) (a) The governing body of a municipality may not renew or extend the employment contract of a chief executive officer of the municipality during the 8 months immediately preceding a general election for the municipal mayor or for members of the governing body of the municipality unless the governing body approves such renewal or extension by a unanimous vote.
- (b) The governing body of a municipality may not renew or extend the employment contract of the city attorney during the 8 months immediately preceding a general election for the municipal mayor or for members of the governing body of the municipality unless the governing body approves such renewal or extension by a unanimous vote.

Section 6. Subsection (2) of section 1001.50, Florida Statutes, is amended to read:

- 1001.50 Superintendents employed under Art. IX of the State Constitution.—
- (2) Each district school board shall enter into an employment contract with the district school superintendent and shall adopt rules relating to his or her appointment; however, if the employment contract contains a provision for severance pay, it must include the provisions required by s. 215.425. The district school board may not renew or extend the employment contract of a superintendent during the 8 months immediately preceding a general election for district school board members

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unless the district school board approves such renewal or extension by a unanimous vote.

Section 7. Section 1012.336, Florida Statutes, is created to read:

boards.—A district school board may not renew or extend the employment contract of the general counsel of the district school board during the 8 months immediately preceding a general election for district school board members unless the district school board approves such renewal or extension by a unanimous vote.

Section 8. Paragraphs (a) and (c) of subsection (14) of section 112.061, Florida Statutes, are amended to read:

- 112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—
- (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.—
- (a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:
- 1. The governing body of a county by the enactment of an ordinance or resolution;
- 2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of

written policy;

3. The governing body of a district school board by the adoption of rules;

- 4. The governing body of a special district, as defined in s. 189.012, except those special districts that are subject to  $\underline{s. 166.021(10)}$  s.  $\underline{166.021(9)}$ , by the enactment of a resolution; or
- 5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.
- (c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to  $\underline{s.\ 166.021(10)}\ \underline{s.\ 166.021(9)}$ , remain subject to the requirements of this section.

Section 9. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 28.35, Florida Statutes, is reenacted to read:

- 28.35 Florida Clerks of Court Operations Corporation.—
  (1)
- (b)1. The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two

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clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of 1 million or more. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

2. Members of the executive council of the corporation are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of executive council members, members shall be considered public officers and the corporation shall be considered the members' agency.

Section 10. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, subsection (1) of section 112.3136, Florida Statutes, is reenacted to read:

112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.—The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, for the purposes of the following sections, are public officers and employees who are subject to the following standards of conduct

of this part:

(1) Section 112.313, and their "agency" is the political subdivision that they serve; however, the contract under which the business entity serves as chief executive or administrative officer of the political subdivision is not deemed to violate s. 112.313(3) or (7).

Section 11. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, section 112.3251, Florida Statutes, is reenacted to read:

112.3251 Citizen support and direct-support organizations; standards of conduct.—A citizen support or direct-support organization created or authorized pursuant to law must adopt its own ethics code. The ethics code must contain the standards of conduct and disclosures required under ss. 112.313 and 112.3143(2), respectively. However, an ethics code adopted pursuant to this section is not required to contain the standards of conduct specified in s. 112.313(3) or (7). The citizen support or direct-support organization may adopt additional or more stringent standards of conduct and disclosure requirements if those standards of conduct and disclosure requirements do not otherwise conflict with this part. The ethics code must be conspicuously posted on the citizen support or direct-support organization's website.

Section 12. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (d) of subsection (6) of section 288.012, Florida Statutes, is reenacted to read:

288.012 State of Florida international offices; direct-

support organization.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(6)

(d) The senior managers and members of the board of directors of the organization are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of the president and staff, those persons shall be considered public officers or employees and the corporation shall be considered their agency. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

Section 13. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, subsection (4) of section 288.8014, Florida

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Statutes, is reenacted to read:

288.8014 Triumph Gulf Coast, Inc.; organization; board of directors.—

(4) The Legislature determines that it is in the public interest for the members of the board of directors to be subject to the requirements of ss. 112.313, 112.3135, and 112.3143, notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. In addition to the postemployment restrictions of s. 112.313(9), a person appointed to the board of directors must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for 6 years after the termination of such appointment. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to accept appointment to the board of directors in violation of this subsection or to accept a direct interest in any contract, franchise, privilege, project, program, or other benefit granted by Triumph Gulf Coast, Inc., to an awardee within 6 years after the termination of his or her service on the board. Further, each member of the board of directors who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.3144 shall file disclosure of financial interests under s. 112.3145.

Section 14. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section

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288.9604, Florida Statutes, is reenacted to read:

288.9604 Creation of the corporation.

- (3) (a) 1. A director may not receive compensation for his or her services, but is entitled to necessary expenses, including travel expenses, incurred in the discharge of his or her duties. Each appointed director shall hold office until his or her successor has been appointed.
- 2. Directors are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of directors, directors are considered public officers and the corporation is considered their agency.

Section 15. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (d) of subsection (4) of section 295.21, Florida Statutes, is reenacted to read:

295.21 Florida Is For Veterans, Inc.-

- (4) GOVERNANCE.-
- (d) The Legislature finds that it is in the public interest for the members of the board of directors to be subject to the requirements of ss. 112.313, 112.3135, and 112.3143.

  Notwithstanding the fact that they are not public officers or employees, for purposes of ss. 112.313, 112.3135, and 112.3143, the board members shall be considered to be public officers or employees. In addition to the postemployment restrictions of s. 112.313(9), a person appointed to the board of directors may not have direct interest in a contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation during the appointment term and for 2 years after

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the termination of such appointment. A person who accepts appointment to the board of directors in violation of this subsection, or accepts a direct interest in a contract, franchise, privilege, project, program, or other benefit granted by the corporation to an awardee within 2 years after the termination of his or her service on the board, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Further, each member of the board of directors who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests under s. 112.3145.

Section 16. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in a reference thereto, subsection (5) of section 406.06, Florida Statutes, is reenacted to read:

406.06 District medical examiners; associates; suspension of medical examiners.—

(5) District medical examiners and associate medical examiners are public officers for purposes of s. 112.313 and the standards of conduct prescribed thereunder.

Section 17. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 447.509, Florida Statutes, is reenacted to read:

447.509 Other unlawful acts.-

(1) Employee organizations, their members, agents, or representatives, or any persons acting on their behalf are hereby prohibited from:

(d) Offering anything of value to a public officer as defined in s. 112.313(1) which the public officer is prohibited from accepting under s. 112.313(2).

Section 18. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in references thereto, paragraph (m) of subsection (5) of section 627.311, Florida Statutes, is reenacted to read:

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

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(m) Senior managers and officers, as defined in the plan of operation, and members of the board of governors are subject to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145, 112.316, and 112.317. Senior managers, officers, 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 plan or his or her designee shall notify each newly appointed and existing appointed member of the board of governors, senior manager, and officer of his or her duty to comply with the reporting requirements of s. 112.3145. At least quarterly, the executive director of the plan or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers, officers, and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145. Notwithstanding s. 112.313, an employee, officer, owner, or director of an insurance agency, insurance company, or other insurance entity may be a member of the board of governors unless such employee, officer, owner, or director of an insurance agency, insurance company, other

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insurance entity, or an affiliate provides policy issuance, policy administration, underwriting, claims handling, or payroll audit services. Notwithstanding s. 112.3143, such board member may not participate in or vote on a matter if the insurance agency, insurance company, or other insurance entity would obtain a special or unique benefit that would not apply to other similarly situated insurance entities.

Section 19. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in a reference thereto, paragraph (a) of subsection (26) of section 1002.33, Florida Statutes, is reenacted to read:

1002.33 Charter schools.-

- (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.
- (a) A member of a governing board of a charter school, including a charter school operated by a private entity, is subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

Section 20. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in a reference thereto, paragraph (f) of subsection (6) of section 1002.333, Florida Statutes, is reenacted to read:

1002.333 Persistently low-performing schools.-

- (6) STATUTORY AUTHORITY. -
- (f) Schools of hope operated by a hope operator shall be exempt from chapters 1000-1013 and all school board policies. However, a hope operator shall be in compliance with the laws in chapters 1000-1013 relating to:
- 1. The student assessment program and school grading system.
  - 2. Student progression and graduation.

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3. The provision of services to students with disabilities.

- 4. Civil rights, including s. 1000.05, relating to discrimination.
  - 5. Student health, safety, and welfare.
- 6. Public meetings and records, public inspection, and criminal and civil penalties pursuant to s. 286.011. The governing board of a school of hope must hold at least two public meetings per school year in the school district in which the school of hope is located. Any other meetings of the governing board may be held in accordance with s. 120.54(5)(b)2.
  - 7. Public records pursuant to chapter 119.
- 8. The code of ethics for public officers and employees pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

Section 21. For the purpose of incorporating the amendments made by this act to section 112.313, Florida Statutes, in a reference thereto, subsection (9) of section 1002.83, Florida Statutes, is reenacted to read:

1002.83 Early learning coalitions.-

(9) Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

Section 22. This act shall take effect July 1, 2024.