

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/CS/SB 846 — Governmental Ethics

by Appropriations Committee; Community Affairs Committee; Ethics and Elections Committee; and Senator Latvala

This bill applies the standards of conduct, anti-nepotism provisions, and voting conflicts provisions for state officers in the Code of Ethics to the following entities:

- The Florida Clerk of Courts Operations Corporation;
- Enterprise Florida, its divisions, and corporations required to contract with its divisions; and
- The Florida Development Finance Corporation.

The bill also provides that the Executive Director of Citizens Property Insurance is subject to the Code of Ethics. It prohibits the Executive Director, senior managers, and members of the Board of Directors of Citizens Property Insurance from having any employment or contractual relationship with an insurer that has entered a take-out bonus agreement with the corporation for a period of two years after retirement or termination of service to the corporation.

Additionally, the bill amends the Code of Ethics for Public Officers and Employees as follows:

- Provides that, beginning January 1, 2015, all elected municipal officers are required to complete four hours of training covering the ethics laws, public records laws, and open meetings laws;
- Clarifies that those subject to the ethics training requirement that take office prior to March 31, must complete the ethics training during that calendar year; while those who take office after that date do not have to complete the annual ethics training until the next calendar year;
- Requires those subject to the ethics training requirement to certify that they have completed the training on their annual financial disclosure form; and provides that failure to do so is not “immaterial, inconsequential, or de minimis;”
- Amends the financial disclosure statutes to require the Commission on Ethics to initiate an investigation of any financial disclosure filer who has accrued the maximum automatic fine and has failed to file their financial disclosure;
- If the Commission determines that the failure to file was willful, it is required to enter an order recommending removal of executive, county and municipal officers; in the case of a legislator the Commission may enter such an order if requested by the committee to which the matter was referred by the presiding officer;
- Specifies that the Division of Elections is only required to forward a copy of a candidate’s financial disclosure to the Commission if that candidate is an incumbent;
- Requires Citizen Support Organizations and Direct Support Organizations to adopt a code of ethics, which must be conspicuously posted on the organization’s website, and specifies some of the contents of that code of ethics;
- Prohibits a person from lobbying before a water management district until they have registered as a lobbyist;

- Permits a water management district to create its own lobbyist registration form or adopt the state executive branch or legislative branch lobbyist registration forms;
- Allows a water management district to adopt a lobbyist registration fee of up to \$40;
- Provides the Commission on Ethics jurisdiction to hear complaints against lobbyists of water management districts; and give the Governor authority to enforce the Commission's findings; and
- Permits the water management to adopt rules to establish procedures, adopt forms, and set the lobbyist registration fees.

The bill also provides that state, county, and municipal officers may abstain from voting when presented with a conflict of interest established in an additional or more stringent standard of conduct adopted pursuant to s. 112.326, F.S. The disclosure requirement is satisfied by compliance with the agency, county, or municipal disclosure requirement. The bill also provides that a member of a board may abstain to assure a fair proceeding that is free from potential bias or prejudice.

Finally, the bill establishes a code of ethics for the Miami-Dade Expressway Authority which:

- Prohibits representing a person or entity for compensation before the Expressway Authority for two years after the end of service;
- Prohibits employment in connection with a contract under certain conditions;
- Provides that the General Counsel of the Expressway Authority is the Ethics Officer;
- Requires the Ethics Officer to review and update the Authority's code of ethics biennially;
- Requires certain additional disclosures;
- Prohibits executive branch lobbyists, Authority employees, and consultants from serving on the Authority's Board of Directors; and
- Provides that violations of the additional statutory standards of conduct carry the same punishment as violations of the state Code of Ethics for Public Officers and Employees.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 118-0