

<b>Tab 21</b>	<b>SJR 194 by Steube (CO-INTRODUCERS) Young;</b> (Similar to CS/CS/H 01031) Limitation of Terms of Office for Members of a District School Board						
834136	D	S	RCS	EE, Steube	Delete everything after	01/31 02:02 PM	
438760	AA	S	RCS	EE, Rodriguez	Delete L.29:	01/31 02:02 PM	
<b>Tab 22</b>	<b>SJR 792 by Lee;</b> (Identical to H 01421) Chief Financial Officer						
896244	A	S	RCS	EE, Lee	Delete L.43 - 59:	01/31 02:02 PM	
<b>Tab 23</b>	<b>SB 1628 by Book (CO-INTRODUCERS) Benacquisto, Taddeo, Rodriguez;</b> (Similar to H 01233) Sexual Harassment						
423602	A	S	RCS	EE, Book	Delete L.108 - 320:	01/31 02:02 PM	
<b>Tab -1</b>	<b>SPB 7018 by EE;</b> OGSR/Agency Investigations						
<b>Tab -1</b>	<b>SPB 7020 by EE;</b> OGSR/Complaints of Violations and Referrals						

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ETHICS AND ELECTIONS**  
**Senator Perry, Chair**  
**Senator Brandes, Vice Chair**

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Braynon, Hutson, Lee, Passidomo, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Board of Accountancy</b>			
1	Platau, Steven M. (Tampa)	10/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Florida State Boxing Commission</b>			
2	Williams, Mark M. (Lynn Haven)	09/30/2018	Recommend Confirm Yeas 7 Nays 0
<b>Florida Building Commission</b>			
3	Gilson, David R. ()	01/06/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Chiropractic Medicine</b>			
4	Weingarten, Mindy A. (Harbor Oaks)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
<b>Regulatory Council of Community Association Managers</b>			
5	Pyott, Gary Lee (Aventura)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Chipola College</b>			
6	Ryals, Daniel E. III (Altha)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Daytona State College</b>			
7	Davidson, Robert (Port Orange)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Florida SouthWestern State College</b>			
8	Nix, Danny Gene, Jr. (Punta Gorda)	05/31/2018	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of Florida Keys Community College</b>			
9	Suga, Sheldon (Duck Key)	05/31/2021	Recommend Confirm Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Board of Trustees of Hillsborough Community College</b>			
10	Reid, Randall H. (Tampa)	05/31/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Trustees of South Florida State College</b>			
11	Wright, Patrick Joseph "Joe" (Avon Park)	05/31/2019	Recommend Confirm Yeas 7 Nays 0
<b>Construction Industry Licensing Board</b>			
12	Feaster, Ted W. (Ocala)	10/31/2019	Recommend Confirm Yeas 7 Nays 0
<b>State of Florida Correctional Medical Authority</b>			
13	Albers, Kris-Tena (Tallahassee)	07/01/2020	Recommend Confirm Yeas 7 Nays 0
	Chaykin, Lee B. (Davie)	07/01/2020	Recommend Confirm Yeas 7 Nays 0
	Huot, Richard A. (Vero Beach)	07/01/2020	Recommend Confirm Yeas 7 Nays 0
<b>Board of Dentistry</b>			
14	Andrade, Fabio A. (Weston)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
	Kavouklis, Nicholas M. (Tampa)	10/31/2018	Recommend Confirm Yeas 7 Nays 0
<b>Board of Funeral, Cemetery, and Consumer Services</b>			
15	Brandenburg, Joseph A. (Jacksonville)	09/30/2021	Recommend Confirm Yeas 7 Nays 0
	Hall, Lewis (Lakeland)	09/30/2021	Recommend Confirm Yeas 7 Nays 0
	Knopke, Keenan Lacy (Temple Terrace)	09/20/2021	Recommend Confirm Yeas 7 Nays 0
<b>Board of Professional Geologists</b>			
16	DeNeve, Michael Joseph (Bartow)	10/31/2020	Recommend Confirm Yeas 7 Nays 0
<b>Florida Housing Finance Corporation</b>			
17	Dubuque, Ray E. (Panama City)	11/13/2020	Recommend Confirm Yeas 7 Nays 0
	Green-Cobb, LaTasha ()	11/13/2020	Recommend Confirm Yeas 7 Nays 0
<b>Board of Nursing</b>			
18	Paschall, Francine (Ft. Lauderdale)	10/31/2020	Recommend Confirm Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Board of Pharmacy</b>			
19	Hickman, Jonathan M. (Tallahassee)	10/31/2021	Recommend Confirm Yeas 7 Nays 0
	Montgomery, Richard E. (Orlando)	10/31/2018	Recommend Confirm Yeas 7 Nays 0
	Rivera, Blanca R. (Miami)	10/31/2019	Recommend Confirm Yeas 7 Nays 0
<b>Big Cypress Basin Board of the South Florida Water Management District</b>			
20	Kitchener, Marielle (Naples)	03/01/2020	Recommend Confirm Yeas 7 Nays 0
	Waters, Daniel (Naples)	03/01/2020	Recommend Confirm Yeas 7 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	<b>SJR 194</b> Steube (Similar CS/CS/HJR 1031)	Limitation of Terms of Office for Members of a District School Board; Proposing an amendment to Section 4 of Article IX of the State Constitution to limit the terms of office for a member of a district school board, etc.  EE 01/30/2018 Fav/CS ED RC	Fav/CS Yeas 4 Nays 2
22	<b>SJR 792</b> Lee (Identical HJR 1421)	Chief Financial Officer; Proposing an amendment to the State Constitution to revise the duties and responsibilities of the Chief Financial Officer, etc.  EE 01/30/2018 Fav/CS JU RC	Fav/CS Yeas 7 Nays 0
23	<b>SB 1628</b> Book (Similar H 1233)	Sexual Harassment; Creating the Task Force on the Prevention of Sexual Harassment and Misconduct; requiring that the task force meet at 4-year intervals beginning on a specified date; prohibiting public officers, qualified candidates, agency employees, and lobbyists from sexually harassing any person; specifying that the personal identifying information of an alleged victim of sexual harassment contained in a complaint or referral and in related materials remains confidential and exempt from public records requirements, etc.  EE 01/30/2018 Fav/CS GO RC	Fav/CS Yeas 8 Nays 0
24	Consideration of proposed bill:		

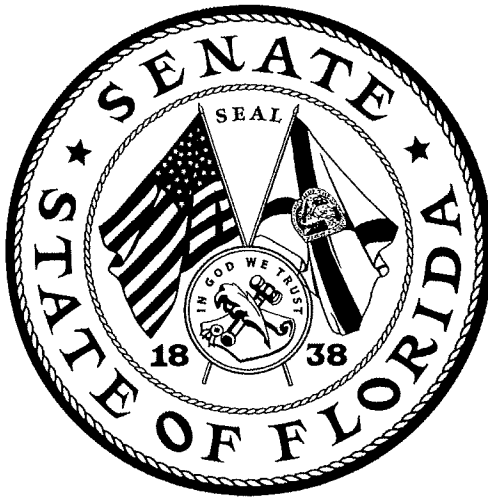


**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
<b>SPB 7018</b>		OGSR/Agency Investigations; Amending provisions which provides an exemption from public records requirements for complaints of misconduct filed with an agency against an agency employee, and all information obtained pursuant to an agency investigation of such complaints; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
25	Consideration of proposed bill:		
	<b>SPB 7020</b>	OGSR/Complaints of Violations and Referrals; Amending provisions which provides exemptions from public records and public meetings requirements for complaints alleging a violation of part III of ch. 112, F.S., and related records that are held by the Commission on Ethics or its agents and specified local government entities, for written referrals and related records that are held by the commission or its agents, the Governor, the Department of Law Enforcement, and state attorneys, and for portions of meetings at which complaints or referrals are discussed or acted upon; removing the scheduled repeal of the exemptions, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
Other Related Meeting Documents			



Committee:

# **ETHICS AND ELECTIONS**

Senator Perry, Chair  
Senator Brandes, Vice Chair

## **Meeting Packet**

Tuesday, January 30, 2018

2:00—4:00 p.m.

Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

ETHICS AND ELECTIONS  
 Senator Perry, Chair  
 Senator Brandes, Vice Chair

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Braynon, Hutson, Lee, Passidomo, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Board of Accountancy</b>			
1	Platau, Steven M. (Tampa)	10/31/2021	
<b>Florida State Boxing Commission</b>			
2	Williams, Mark M. (Lynn Haven)	09/30/2018	
<b>Florida Building Commission</b>			
3	Gilson, David R. ()	01/06/2021	
<b>Board of Chiropractic Medicine</b>			
4	Weingarten, Mindy A. (Harbor Oaks)	10/31/2020	
<b>Regulatory Council of Community Association Managers</b>			
5	Pyott, Gary Lee (Aventura)	10/31/2020	
<b>Board of Trustees of Chipola College</b>			
6	Ryals, Daniel E. III (Altha)	05/31/2021	
<b>Board of Trustees of Daytona State College</b>			
7	Davidson, Robert (Port Orange)	05/31/2021	
<b>Board of Trustees of Florida SouthWestern State College</b>			
8	Nix, Danny Gene, Jr. (Punta Gorda)	05/31/2018	
<b>Board of Trustees of Florida Keys Community College</b>			
9	Suga, Sheldon (Duck Key)	05/31/2021	
<b>Board of Trustees of Hillsborough Community College</b>			
10	Reid, Randall H. (Tampa)	05/31/2021	
<b>Board of Trustees of South Florida State College</b>			
11	Wright, Patrick Joseph "Joe" (Avon Park)	05/31/2019	
<b>Construction Industry Licensing Board</b>			
12	Feaster, Ted W. (Ocala)	10/31/2019	

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>State of Florida Correctional Medical Authority</b>			
13	Albers, Kris-Tena (Tallahassee)	07/01/2020	
	Chaykin, Lee B. (Davie)	07/01/2020	
	Huot, Richard A. (Vero Beach)	07/01/2020	
<b>Board of Dentistry</b>			
14	Andrade, Fabio A. (Weston)	10/31/2020	
	Kavouklis, Nicholas M. (Tampa)	10/31/2018	
<b>Board of Funeral, Cemetery, and Consumer Services</b>			
15	Brandenburg, Joseph A. (Jacksonville)	09/30/2021	
	Hall, Lewis (Lakeland)	09/30/2021	
	Knopke, Keenan Lacy (Temple Terrace)	09/20/2021	
<b>Board of Professional Geologists</b>			
16	DeNeve, Michael Joseph (Bartow)	10/31/2020	
<b>Florida Housing Finance Corporation</b>			
17	Dubuque, Ray E. (Panama City)	11/13/2020	
	Green-Cobb, LaTasha ()	11/13/2020	
<b>Board of Nursing</b>			
18	Paschall, Francine (Ft. Lauderdale)	10/31/2020	
<b>Board of Pharmacy</b>			
19	Hickman, Jonathan M. (Tallahassee)	10/31/2021	
	Montgomery, Richard E. (Orlando)	10/31/2018	
	Rivera, Blanca R. (Miami)	10/31/2019	
<b>Big Cypress Basin Board of the South Florida Water Management District</b>			
20	Kitchener, Marielle (Naples)	03/01/2020	
	Waters, Daniel (Naples)	03/01/2020	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	<b>SJR 194</b> Steube (Similar CS/CS/HJR 1031)	Limitation of Terms of Office for Members of a District School Board; Proposing an amendment to Section 4 of Article IX of the State Constitution to limit the terms of office for a member of a district school board, etc.  EE 01/30/2018 ED RC	

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, January 30, 2018, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
22	<b>SJR 792</b> Lee (Identical HJR 1421)	Chief Financial Officer; Proposing an amendment to the State Constitution to revise the duties and responsibilities of the Chief Financial Officer, etc.  EE 01/30/2018 JU RC	
23	<b>SB 1628</b> Book (Similar H 1233)	Sexual Harassment; Creating the Task Force on the Prevention of Sexual Harassment and Misconduct; requiring that the task force meet at 4-year intervals beginning on a specified date; prohibiting public officers, qualified candidates, agency employees, and lobbyists from sexually harassing any person; specifying that the personal identifying information of an alleged victim of sexual harassment contained in a complaint or referral and in related materials remains confidential and exempt from public records requirements, etc.  EE 01/30/2018 GO RC	
24	Consideration of proposed bill:  <b>SPB 7018</b>	OGSR/Agency Investigations; Amending provisions which provides an exemption from public records requirements for complaints of misconduct filed with an agency against an agency employee, and all information obtained pursuant to an agency investigation of such complaints; removing the scheduled repeal of the exemption, etc.	
25	Consideration of proposed bill:  <b>SPB 7020</b>	OGSR/Complaints of Violations and Referrals; Amending provisions which provides exemptions from public records and public meetings requirements for complaints alleging a violation of part III of ch. 112, F.S., and related records that are held by the Commission on Ethics or its agents and specified local government entities, for written referrals and related records that are held by the commission or its agents, the Governor, the Department of Law Enforcement, and state attorneys, and for portions of meetings at which complaints or referrals are discussed or acted upon; removing the scheduled repeal of the exemptions, etc.	

Other Related Meeting Documents

**COMMITTEE MEETING PACKET TAB**

1

A10P

---

## Ethics and Elections

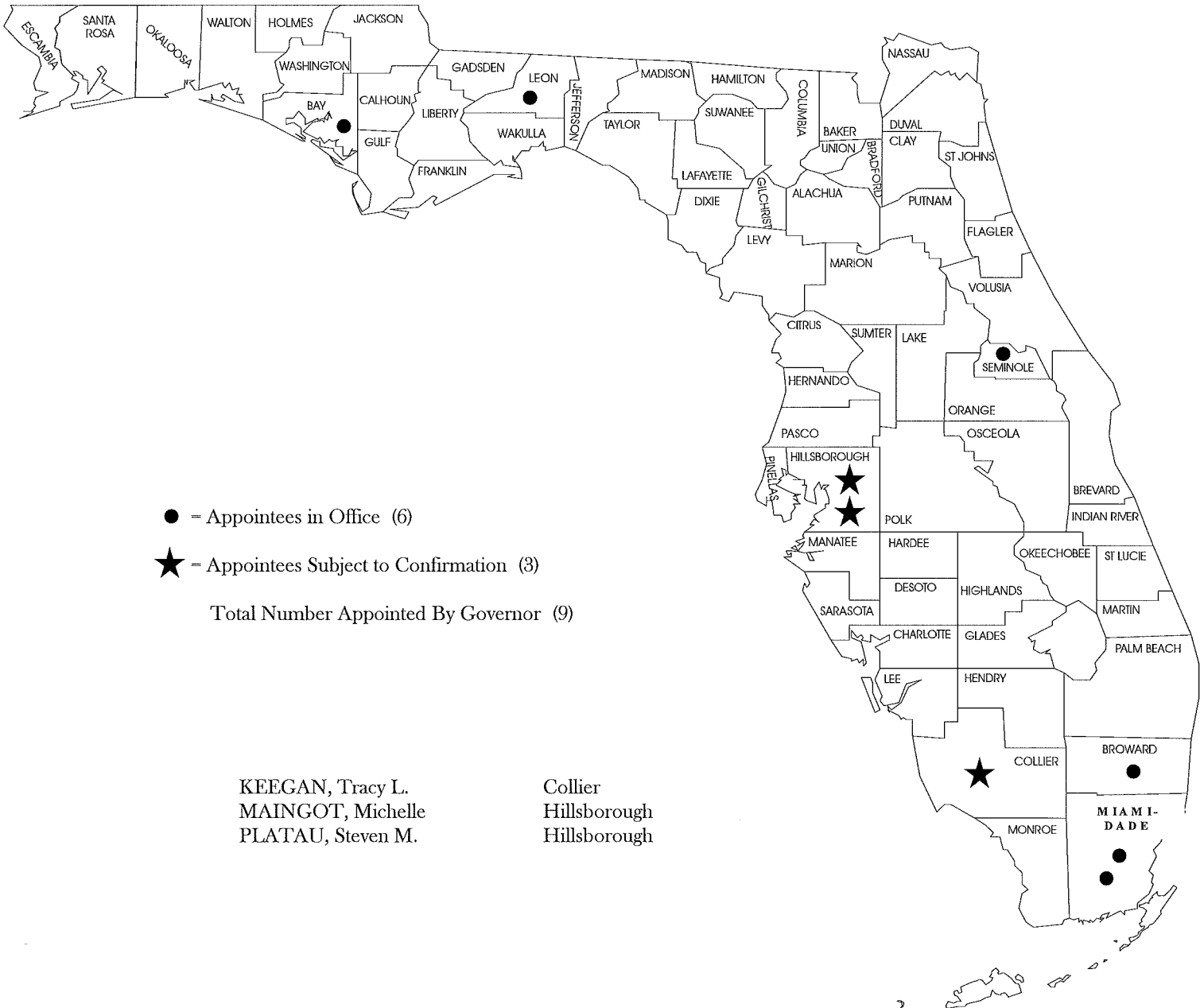
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Accountancy



KEEGAN, Tracy L.  
 MAINGOT, Michelle  
 PLATAU, Steven M.

Collier  
 Hillsborough  
 Hillsborough

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Platau, Steven M.  
 Term: 12/21/2017 – 10/31/2021  
 City/County: Tampa/Hillsborough  
 Office: Board of Accountancy, Member  
 Authority: 473.303, F.S. & 20.165(4)(b)1, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/21/2017  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/18
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Professor at the University of Tampa; Lawyer and Consultant (mediator/lecturer)

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.



**Requirements:** The nine-member board consists of:

- Seven members who are certified public accountants who are licensed in this state and practiced public accounting in this state on a substantially full-time basis for at least five years; and
- Two lay members who are not and have never been certified public accountants or members of any closely related profession or occupation.

At least one member of the board must be sixty years of age or older.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Certified Public Accountant  
Number 15 - Mr. Platau disclosed the Department of Insurance contracts his services as a mediator to mediate consumer disputes between the Department and consumer.

**COMMITTEE MEETING PACKET TAB**

---

Ethics and Elections

---

2

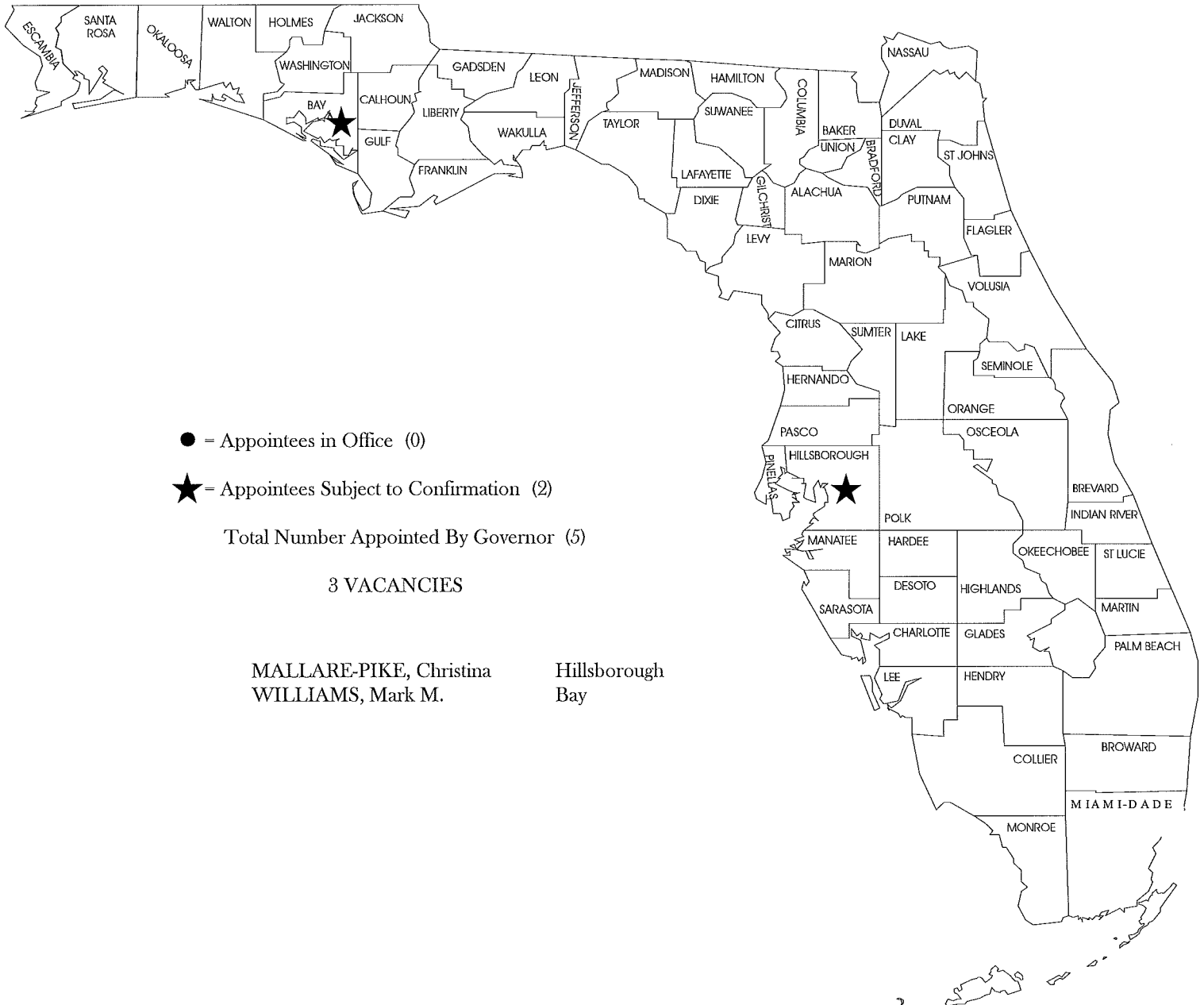
A105W

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Florida State Boxing Commission



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Williams, Mark M.

Term: 06/23/2017 – 09/30/2018

City/County: Lynn Haven/Bay

Office: Florida State Boxing Commission, Member

Authority: 548.003(1), F.S.

Reference(s): Committee on Ethics and Elections

Appointed: 06/23/2017

Prior Term: 04/23/2012 - 09/30/2014

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/24/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/14/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Orthopaedic Surgeon - Self Employed

**Attendance:** Attended 26 of 27 meetings (96%) from April 23, 2012 through October 25, 2017.

**Compensation:** Reimbursed fifty dollars for each day of attendance at a commission meeting and for per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The five-member commission is appointed by the Governor, subject to confirmation by the Senate.

One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.

**Additional Requirements:** Terms are for four years.

For the purposes of Section 548.003(4), F.S., unexcused absences shall include any absence other than: one caused by illness of a member preventing attendance; death or illness of a family member preventing attendance; unavoidable travel delays or cancellations preventing attendance; or any conflict, extraordinary circumstances or event approved by the chairperson and vote of the commission. Members shall communicate the reason for any absence to the executive director and chairperson 48 hours prior to the meeting unless circumstances dictate otherwise and the reason for the absence shall be made part of the minutes of that meeting. (Rule 61K1-3.0002)

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Physician

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

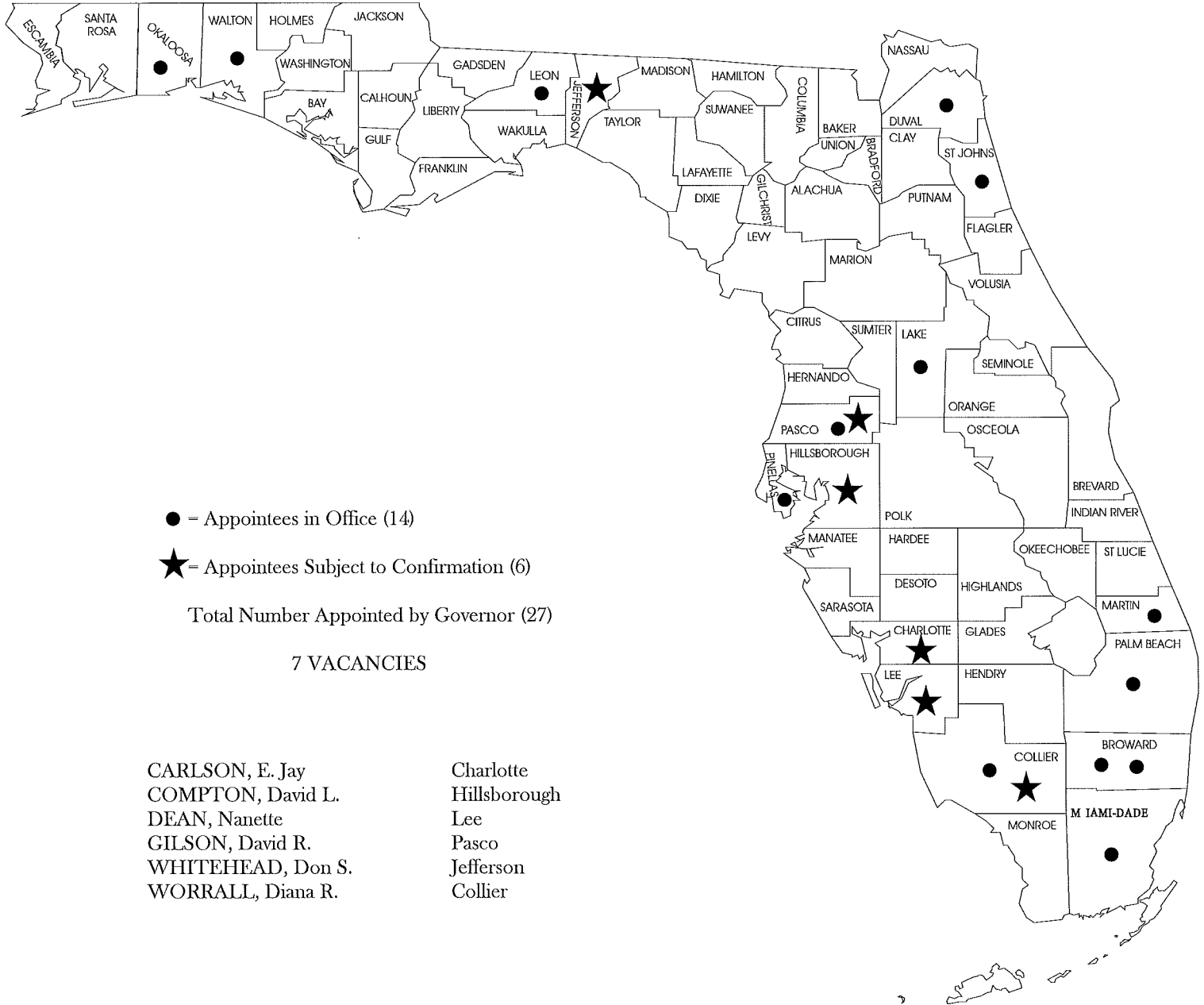
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Florida Building Commission



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gilson, David R.

Appointed: 08/22/2017

Term: 08/18/2017 – 01/06/2021

Prior Term: 03/27/2014 - 01/06/2017

City/County: New Port Richey/Pasco

Office: Florida Building Commission, Member

Authority: 553.74, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/14/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Building Inspector IV for the City of Tarpon Springs

**Attendance:** Attended 34 of 38 meetings (89%) from March 27, 2014 through December 19, 2017.

**Compensation:** Members of the board serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, F.S.



**Requirements:** The 27 member commission shall be composed of the following:

- One architect registered to practice in this state and actively engaged in the profession;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One mechanical contractor certified to do business in this state and actively engaged in the profession;
- One electrical contractor certified to do business in this state and actively engaged in the profession;
- One member from fire protection engineering or technology who is actively engaged in the profession;
- One general contractor certified to do business in this state and actively engaged in the profession;
- One plumbing contractor licensed to do business in this state and actively engaged in the profession;
- One roofing, sheet metal, or air-conditioning contractor certified to do business in this state and actively engaged in the profession;
- One residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal or district codes enforcement officials, one of whom is also a fire official;
- One member who represents the Department of Financial Services;
- One member who is a county codes enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state;
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry who is authorized to do business in this state and actively engaged in the industry;
- One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- One member who is a representative of the insurance industry; and,
- One member who is a representative of public education;
- One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession; and
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code, or a LEED-accredited professional;
- One member who is a representative of the natural gas distribution system and who is actively engaged in the distribution of natural gas in this state;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy.
- One member who shall be chair.

**Additional Requirements:** All appointments shall be for terms of four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Municipal or District Codes Enforcement Official  
Number 19 - Mr. Gilson is a Building Inspector for the City of Tarpon Springs 2014-Present. Mr. Gilson was Technical Projects Coordinator for the Pinellas County School System, 2010 - 2014. Mr. Gilson was a building inspector for the City of Tampa, 2004.

**COMMITTEE MEETING PACKET TAB**

---

Ethics and Elections

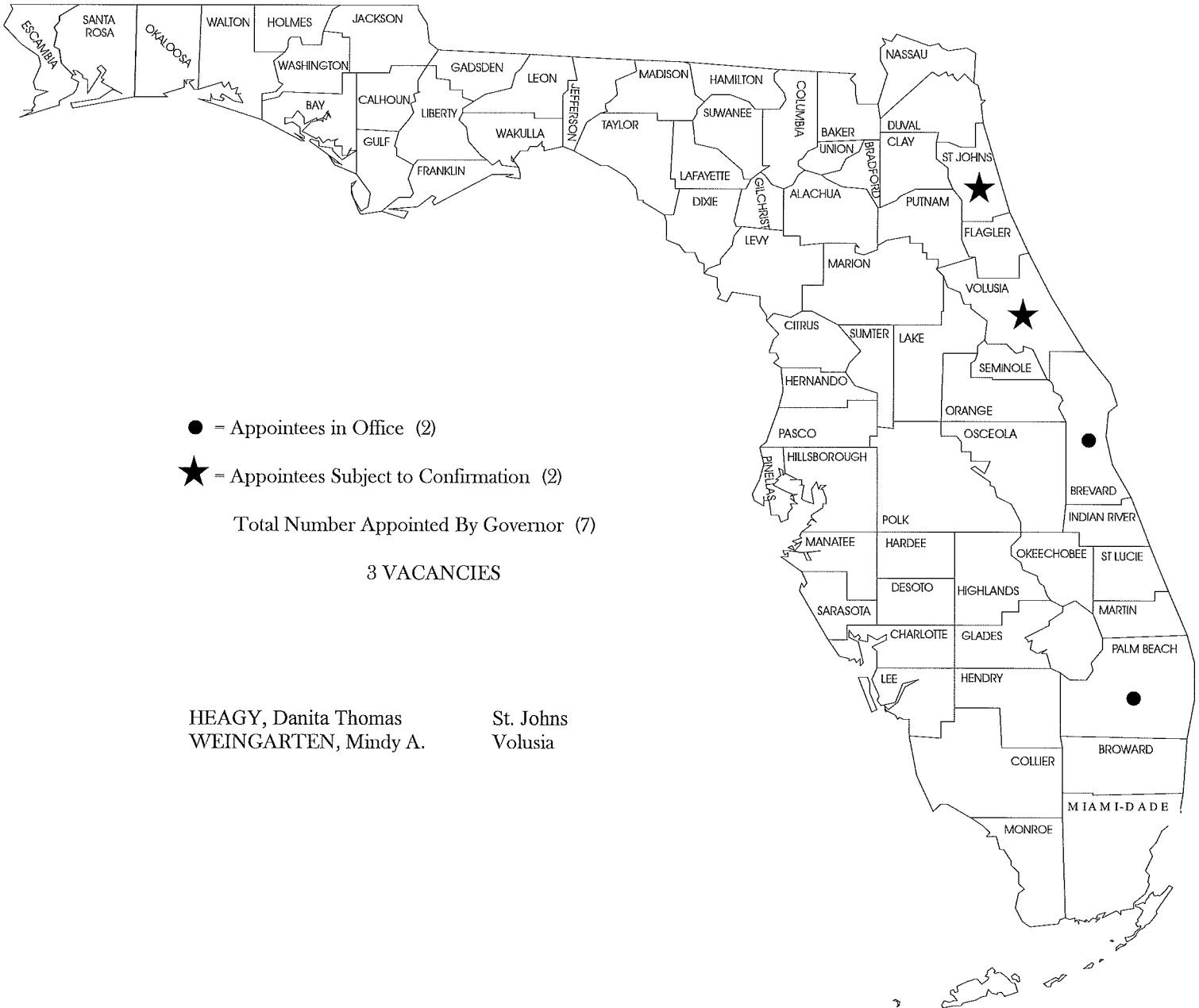
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Chiropractic Medicine



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Weingarten, Mindy A.

Appointed: 08/30/2017

Term: 08/20/2017 – 10/31/2020

Prior Term:

City/County: Harbor Oaks/Volusia

Office: Board of Chiropractic Medicine, Member

Authority: 460.404(1), F.S. & 20.43(3)(g)4, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 12/14/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/8/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Chiropractor

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven-member board consists of:

- Five members who are licensed chiropractic physicians who are residents of Florida and who have been licensed chiropractic physicians engaged in the practice of chiropractic medicine for at least four years;
- Two members who are residents of Florida who are not, and who have never been, licensed as chiropractic physicians or members of any closely related profession; and
- At least one member who is sixty years of age or older.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Chiropractor  
Number 19 - Dr. Weingarten worked as an Examiner for the Chiropractic License Exam with the Department of Health for nine years.

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

● = Appointees in Office (4)

★ = Appointees Subject to Confirmation (1)

Total Number Appointed By Governor (7)

2 VACANCIES

PYOTT, Gary Lee

Miami-Dade

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Pyott, Gary Lee

Appointed: 07/17/2017

Term: 07/17/2017 – 10/31/2020

Prior Term:

City/County: Aventura/Miami-Dade

Office: Regulatory Council of Community Association Managers, Member

Authority: 468.4315

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 8/16/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/14/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** President/Owner of Association 1st, LLC

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.



**Requirements:** The seven member council consists of:

- Five members who are licensed community association managers, one of whom may be a community association manager employed by a timeshare managing entity as described in ss. 468.438 and 721.13, who have held an active license for at least five years; and
- Two members who are residents of the state who are not and have never been connected with the business of community association management, and shall not be prohibited from serving because the member is or has been a resident or board member of a community association.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Licensed Community Association Manager  
Number 18 - Mr. Pyott served on the Community Services Board for the City of Aventura, 2004-2009.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

6

A290R

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ryals, Daniel E., III

Appointed: 11/09/2017

Term: 11/09/2017 – 05/31/2021

Prior Term: 11/25/2014 - 05/31/2017

City/County: Altha/Calhoun

Office: Board of Trustees of Chipola College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 6/3/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Broker/Owner/Danny Ryals Real Estate; and Owner/R & R Warehouses (self storage)

**Attendance:** Attended 29 of 30 meetings (97%) from November 25, 2014 through January 3, 2018.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Calhoun County Resident

Number 10 - Report 2017-059

Number 17 - Mr. Ryals serves on the Calhoun County School Board, 2008-Present.

Number 18 - Mr. Ryals has served on the Board of Trustees of Chipola College since 1/2002.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

7

A295D

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Davidson, Robert

Appointed: 10/11/2017

Term: 10/11/2017 – 05/31/2021

Prior Term: 04/25/2011 - 05/31/2013

City/County: Port Orange/Volusia

Office: Board of Trustees of Daytona State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/24/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CEO/President of Hotel & Lodging Association

**Attendance:** Attended 65 of 70 meetings (93%) from April 25, 2011 through December 14, 2017.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Volusia County Resident  
Number 18 - Mr. Davidson has served on the Daytona State College Board of Trustees since 4/2011. Mr. Davidson served on the Daytona Beach Shores Civil Service Board for 15 years, and while serving was elected Chairman.

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Nix, Danny Gene, Jr.

Appointed: 11/20/2017

Term: 11/20/2017 – 05/31/2018

Prior Term:

City/County: Punta Gorda/Charlotte

Office: Board of Trustees of Florida SouthWestern State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 12/12/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Broker/Owner of Nix & Associates Real Estate, LLC; The Nix Team Companies (real estate, investment)

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Charlotte County Resident  
Number 18 - Mr. Nix served on the Utility Advisory Board for the City of Punta Gorda, 9/2016-5/2017.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Suga, Sheldon

Appointed: 11/21/2017

Term: 11/21/2017 – 05/31/2021

Prior Term: 04/03/2017 - 05/31/2017

City/County: Duck Key/Monroe

Office: Board of Trustees of Florida Keys Community College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 4/10/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** VP Managing Director of Hawks Cay Resort

**Attendance:** Attended 6 of 8 meetings (75%) from April 3, 2017 through January 3, 2018.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Monroe County Resident

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Reid, Randall H.

Appointed: 11/02/2017

Term: 11/02/2017 – 05/31/2021.

Prior Term: 08/28/2013 - 05/31/2017

City/County: Tampa/Hillsborough

Office: Board of Trustees of Hillsborough Community College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/12/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** VP of Business Development, JE Dunn Construction (general construction)

**Attendance:** Attended 28 of 32 meetings (88%) from August 28, 2013 through December 14, 2017.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Hillsborough County Resident  
Number 10 - Report 2017-137  
Number 18 - Mr. Reid has served on the Hillsborough County Community College Board of Trustees since 8/2009.



The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

11  
A400W

---

## Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Wright, Patrick Joseph "Joe"

Appointed: 11/09/2017

Term: 11/09/2017 – 05/31/2019

Prior Term: 04/23/2012 - 05/31/2015

City/County: Avon Park/Highlands

Office: Board of Trustees of South Florida State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/8/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** President/V & W Farms Inc. of Delray Beach (dairy farm)

**Attendance:** Attended 33 of 36 meetings (92%) from April 23, 2012 through January 3, 2018.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to Section 1000.21(3), F.S. It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Highlands County Resident  
Number 10 - Report 2017-125  
Number 18 - Mr. Wright served on the Avon Park City Council from 2007 to 2009.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

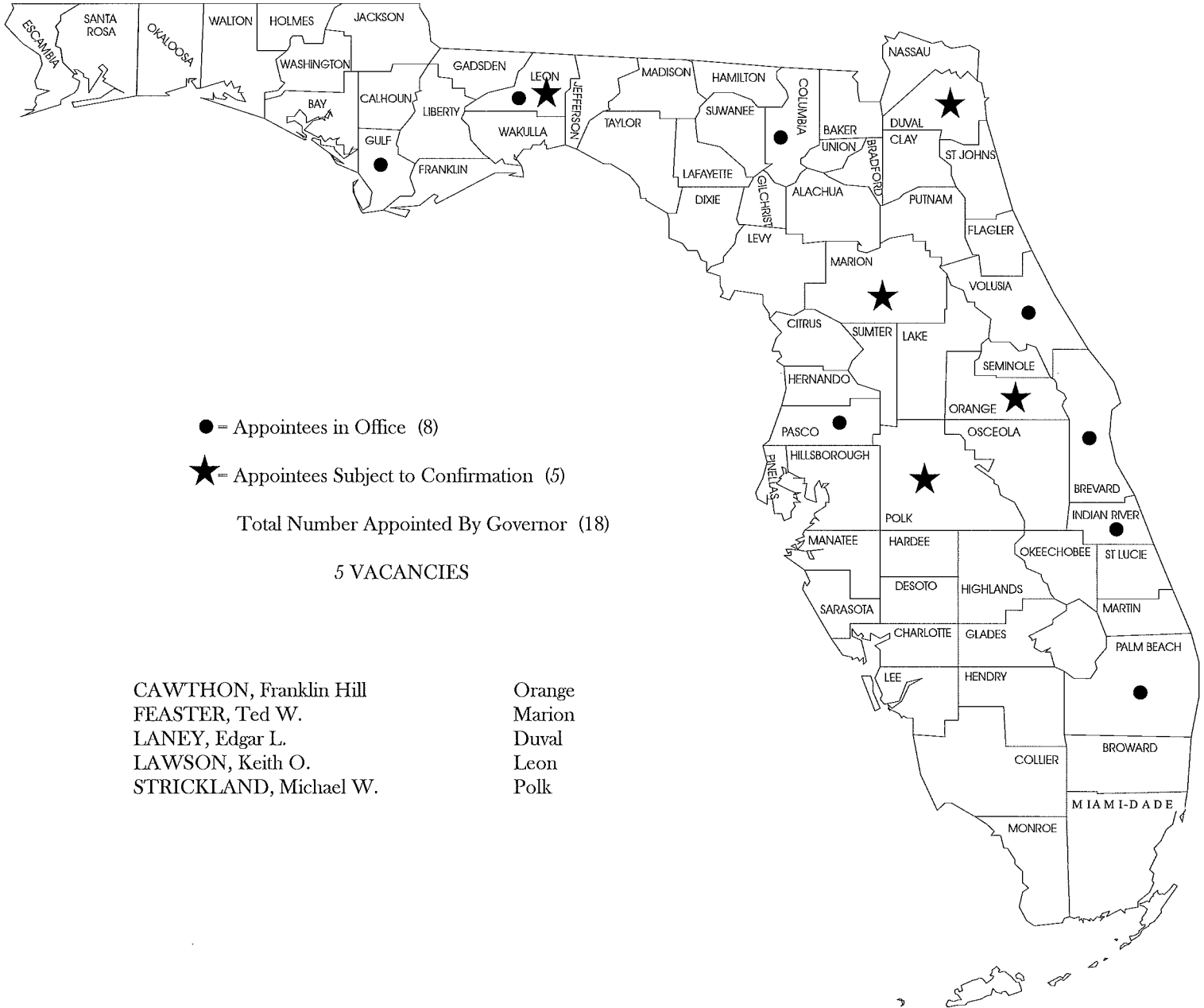
12  
A420F

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Construction Industry Licensing Board



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Feaster, Ted W.

Appointed: 06/22/2017

Term: 06/22/2017 – 10/31/2019

Prior Term: 08/08/2016 - 10/31/2019

City/County: Ocala/Marion

Office: Construction Industry Licensing Board, Member

Authority: 489.107, F.S. & 20.165(4)(a)5, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/5/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/6/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	See Below
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** President/Owner of Feasterco Construction, Inc.

**Attendance:** Attended 13 of 13 meetings (100%) from August 8, 2016 through November 6, 2017.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The board consists of eighteen members who are citizens and residents of the state as follows:

- Four members who are primarily general contractors;
- Three members who are primarily building contractors or residential contractors; however, there shall be at least one building contractor and one residential contractor;
- One member who is primarily a roofing contractor;
- One member who is primarily a sheet metal contractor;
- One member who is primarily an air conditioning contractor;
- One member who is primarily a mechanical contractor;
- One member who is primarily a pool contractor;
- One member who is primarily a plumbing contractor;
- One member who is primarily an underground utility and excavation contractor;
- Two members who are consumer members who are not, and who have never been, members or practitioners of a profession regulated by the board and have not been members of any closely related profession; and
- Two members who are building officials of a county or municipality.

Each of the contractor members must be certified by the board in the category to which they have been appointed, must be actively engaged in their respective trade, and have been so engaged for at least five consecutive years preceding the appointment.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive 4-year terms or more than 11 years on the board.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - General Contractor

Number 14 - The Department of Business and Professional Regulation reported a complaint was filed against Mr. Feaster alleging a violation of s. 489.129, F.S., relating to contracting with an unlicensed subcontractor. Mr. Feaster was fined \$500 in 2007. Mr. Feaster explained the subcontractor resolved the issue. Mr. Feaster's general contractor license is clear and active.

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

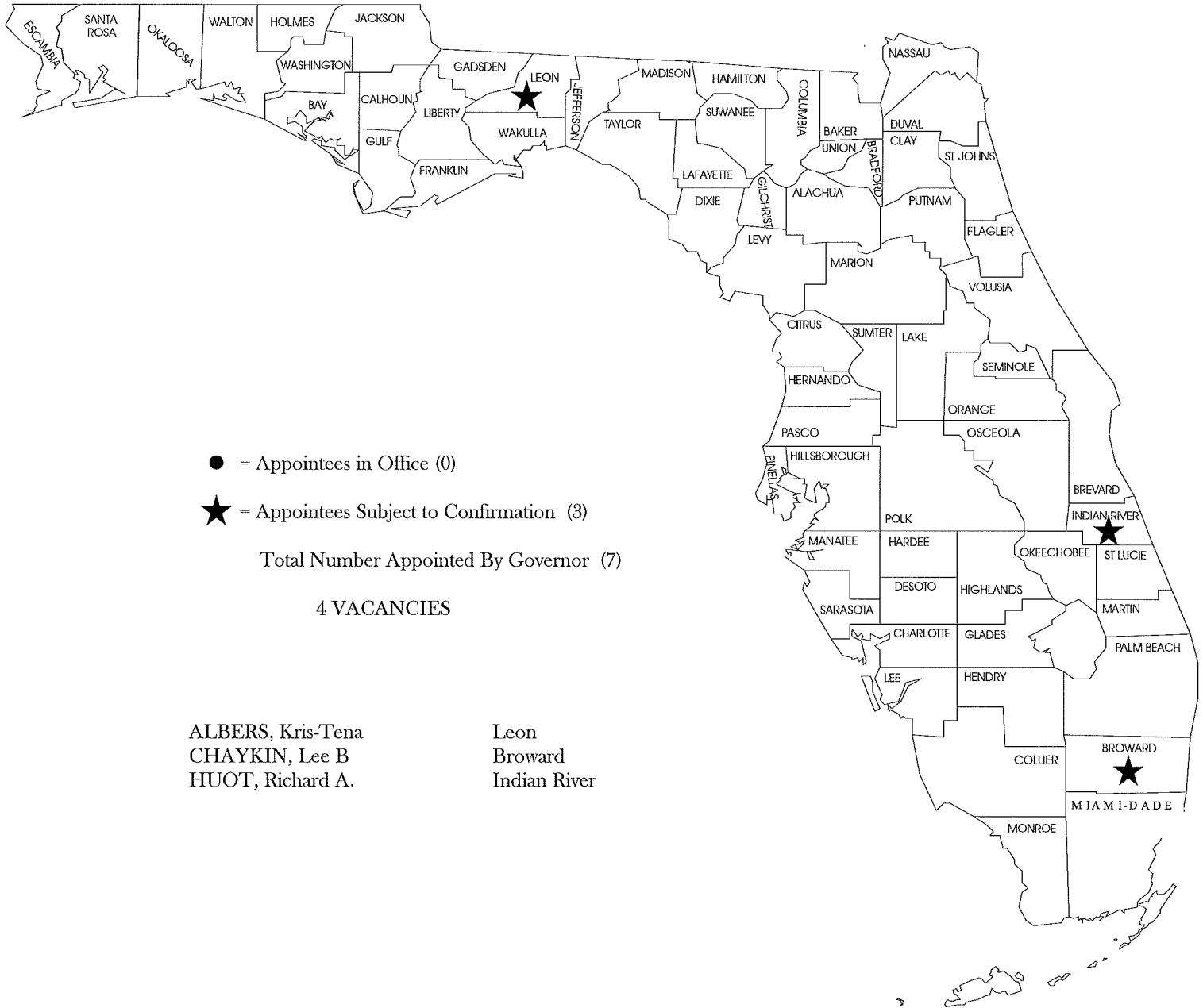
**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building



# State of Florida Correctional Medical Authority



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Albers, Kris-Tena

Appointed: 12/08/2017

Term: 12/08/2017 – 07/01/2020

Prior Term:

City/County: Tallahassee/Leon

Office: State of Florida Correctional Medical Authority, Member

Authority: 945.602, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/18
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Program Director, Sexual Assault Nurse Examiner (S.A.N.E.) and Sustainability Program, Florida Council Against Sexual Violence

**Compensation:** Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven member governing board consists of:

- At least one member of the authority must be a physician licensed under chapter 458;
- One member of the authority may be a physician licensed under chapter 458 or chapter 459.
- At least two other members of the authority must have had at least 5 years' experience in health care administration.
- At least one member of the authority must have at least 5 years' experience in the identification and treatment of mental disorders.
- At least one member of the authority must be a dentist licensed under chapter 466 and have at least 5 years' experience in the practice of dentistry.
- At least one member of the authority must be a nurse licensed under part I of chapter 464 and have at least 5 years' experience in the practice of nursing.

A member of the authority may not be a current employee of the Department of Corrections. Not more than one member of the authority may be a former employee of the Department of Corrections, and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his or her last employment with the Department of Corrections.

**Additional Requirements:** Terms shall be for four years.  
Notwithstanding any general or special law, rule, regulation or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - A.R.N.P. with over five years' experience  
Number 19 - Ms. Albers worked for the Department of Health, 2006-2016 as Bureau Chief, 10/2012-6/2016; Section Administrator, 6/2008-10/2012; and Hospital Liaison, 6/2006-6/2008.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Chaykin, Lee B.

Appointed: 12/08/2017

Term: 12/08/2017 – 07/01/2020

Prior Term: 03/06/2013 - 07/01/2016

City/County: Davie/Broward

Office: State of Florida Correctional Medical Authority, Member

Authority: 945.602, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/22/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Administrator, HCA, (Healthcare Management)

**Attendance:** Attended 26 of 28 meetings (93%) from March 6, 2013 through January 9, 2018.

**Compensation:** Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven member governing board consists of:

- At least one member of the authority must be a physician licensed under chapter 458;
- One member of the authority may be a physician licensed under chapter 458 or chapter 459.
- At least two other members of the authority must have had at least 5 years' experience in health care administration.
- At least one member of the authority must have at least 5 years' experience in the identification and treatment of mental disorders.
- At least one member of the authority must be a dentist licensed under chapter 466 and have at least 5 years' experience in the practice of dentistry.
- At least one member of the authority must be a nurse licensed under part I of chapter 464 and have at least 5 years' experience in the practice of nursing.

A member of the authority may not be a current employee of the Department of Corrections. Not more than one member of the authority may be a former employee of the Department of Corrections, and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his or her last employment with the Department of Corrections.

**Additional Requirements:** Terms shall be for four years.  
Notwithstanding any general or special law, rule, regulation or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Member with five years' experience in health care administration.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Huot, Richard A.

Appointed: 12/08/2017

Term: 12/08/2017 – 07/01/2020

Prior Term:

City/County: Vero Beach/Indian River

Office: State of Florida Correctional Medical Authority, Member

Authority: 945.602, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 1/17/18
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CEO of Beachside Dental Consultants, Inc.

**Compensation:** Reimbursed for per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven member governing board consists of:

- At least one member of the authority must be a physician licensed under chapter 458;
- One member of the authority may be a physician licensed under chapter 458 or chapter 459.
- At least two other members of the authority must have had at least 5 years' experience in health care administration.
- At least one member of the authority must have at least 5 years' experience in the identification and treatment of mental disorders.
- At least one member of the authority must be a dentist licensed under chapter 466 and have at least 5 years' experience in the practice of dentistry.
- At least one member of the authority must be a nurse licensed under part I of chapter 464 and have at least 5 years' experience in the practice of nursing.

A member of the authority may not be a current employee of the Department of Corrections. Not more than one member of the authority may be a former employee of the Department of Corrections, and such member, if appointed, may not be appointed to a term of office which begins within 5 years after the date of his or her last employment with the Department of Corrections.

**Additional Requirements:** Terms shall be for four years.  
Notwithstanding any general or special law, rule, regulation or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Dr. Huot served in the Air Force Reserves, 1982-2012.  
Number 8 - Dentist

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

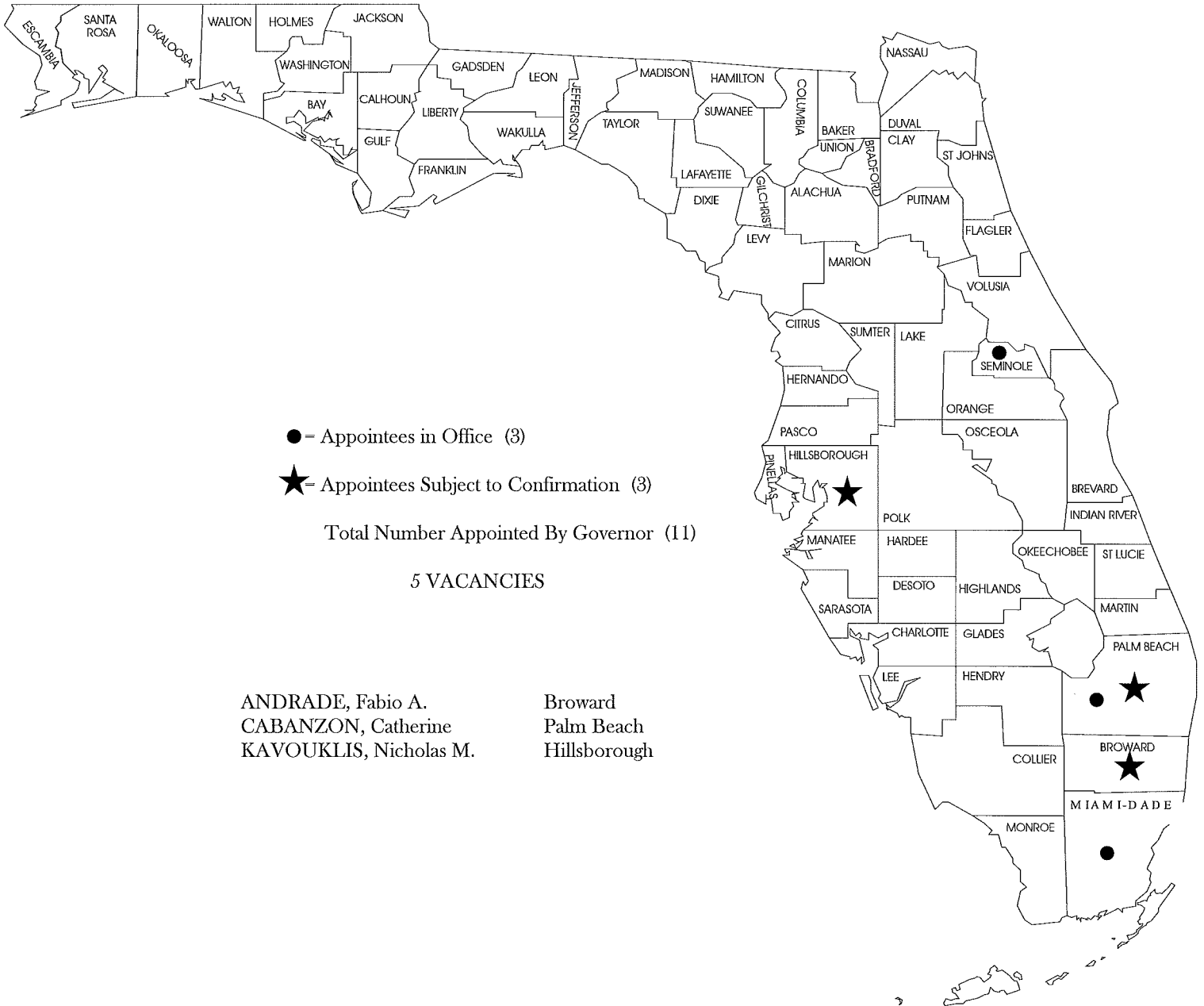
**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building



# Board of Dentistry



ANDRADE, Fabio A.  
CABANZON, Catherine  
KAVOUKLIS, Nicholas M.

Broward  
Palm Beach  
Hillsborough

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Andrade, Fabio A.

Appointed: 10/25/2017

Term: 10/20/2017 – 10/31/2020

Prior Term:

City/County: Weston/Broward

Office: Board of Dentistry, Member

Authority: 466.004(1), F.S. & 20.43(3)(g)11, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 8/4/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Managing Director of FAAC Group, LLC (aviation consulting)

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The eleven-member board, appointed by the Governor, consists of:

- Seven members who are licensed dentists actively engaged in the clinical practice of dentistry in this state and has practiced dentistry primarily as a clinical practitioner for at least 5 years immediately preceding the date of appointment. The member must remain primarily in clinical practice during all subsequent periods of appointment.
- Two members who are licensed dental hygienists actively engaged in the practice of dental hygiene in this state, who have been so engaged for at least five years preceding their appointment;
- Two members who are lay persons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation; and

At least one member who is sixty years of age or older.

Each member of the board who is connected in any way with any dental college or community college must be in compliance with s. 456.007.

**Additional Requirements:** Members shall be appointed for 4-year terms, but may serve no more than a total of 10 years. Terms expire on October 31.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Lay Member

Number 18 - Mr. Andrade served on the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 2014-2017

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Kavouklis, Nicholas M.

Appointed: 10/25/2017

Term: 10/25/2017 – 10/31/2018

Prior Term:

City/County: Tampa/Hillsborough

Office: Board of Dentistry, Member

Authority: 466.004(1), F.S. & 20.43(3)(g)11, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 11/7/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CEO, Argus Dental and Vision; Dental Practitioner, Dr. Nick's White and Healthy

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The eleven-member board, appointed by the Governor, consists of:

- Seven members who are licensed dentists actively engaged in the clinical practice of dentistry in this state and has practiced dentistry primarily as a clinical practitioner for at least 5 years immediately preceding the date of appointment. The member must remain primarily in clinical practice during all subsequent periods of appointment.
- Two members who are licensed dental hygienists actively engaged in the practice of dental hygiene in this state, who have been so engaged for at least five years preceding their appointment;
- Two members who are lay persons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation; and

At least one member who is sixty years of age or older.

Each member of the board who is connected in any way with any dental college or community college must be in compliance with s. 456.007.

**Additional Requirements:** Members shall be appointed for 4-year terms, but may serve no more than a total of 10 years. Terms expire on October 31.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Dentist  
Number 15 - Dr. Kavouklis owns Argus Dental and Vision, Inc., a dental benefits administrator for Florida Healthy Kids Corp.

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

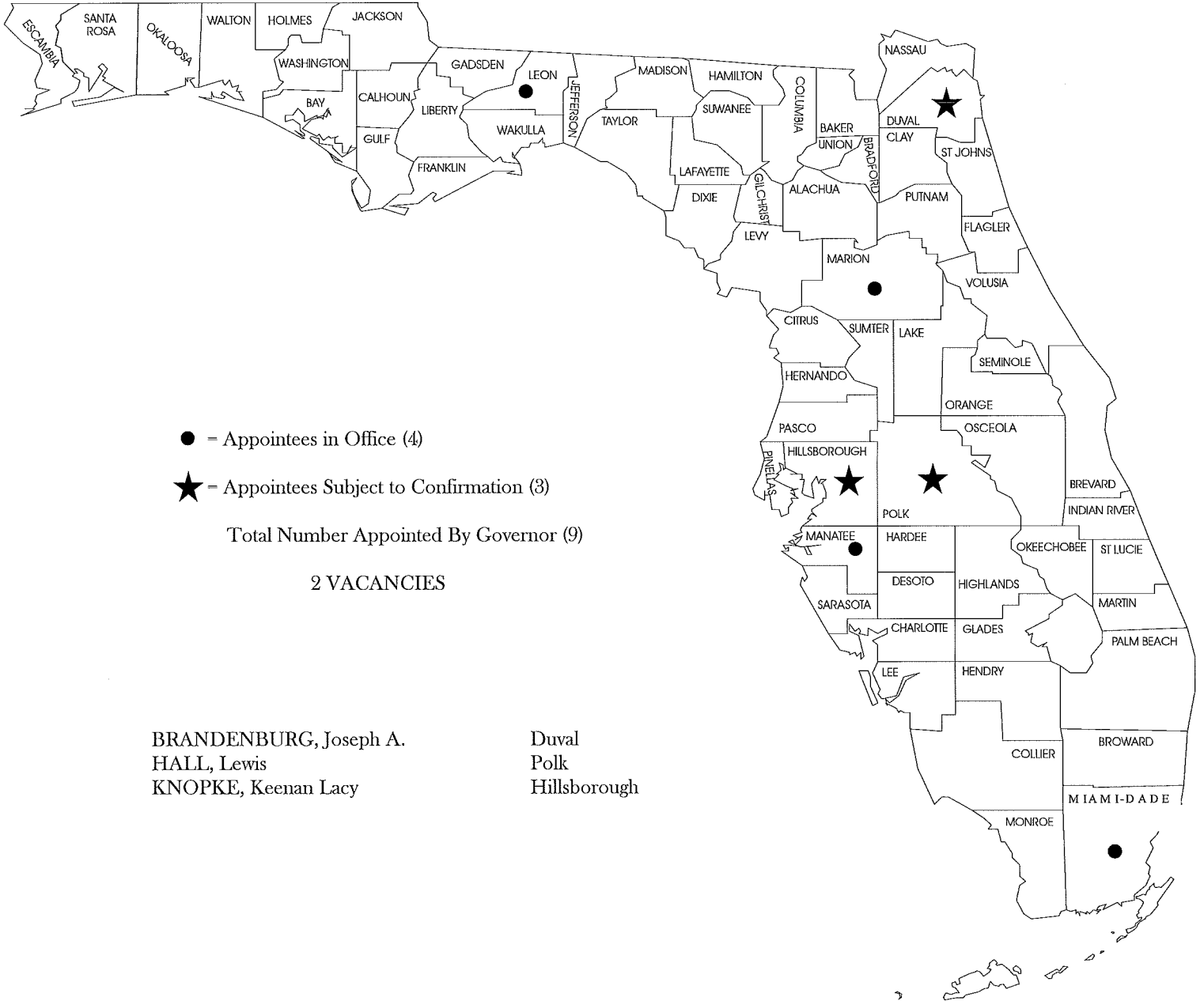
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Funeral, Cemetery, and Consumer Services



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brandenburg, Joseph A.  
Term: 11/20/2017 – 09/30/2021

Appointed: 11/20/2017  
Prior Term: 11/07/2013 - 09/30/2017

City/County: Jacksonville/Duval

Office: Board of Funeral, Cemetery, and Consumer Services, Member

Authority: 497.101, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 5/18/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	



**Occupation:** President/Funeral Director - Hardage-Giddens (funeral homes and cemeteries)

**Attendance:** Attended 54 of 54 meetings (100%) from November 7, 2013 through January 3, 2018.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The Board of Funeral, Cemetery, and Consumer Services consists of 10 members,

- Nine of whom shall be appointed by the Governor from nominations made by the Chief Financial Officer and confirmed by the Senate.

- One member must be the State Health Officer or her or his designee.

- Two members shall be funeral directors licensed under part III of this chapter who are associated with a funeral establishment.

- One member shall be a funeral director licensed under part III of this chapter who is associated with a funeral establishment licensed under part III of this chapter that has a valid preneed license issued pursuant to this chapter and who owns or operates a cinerator facility approved under chapter 403 and licensed under part VI of this chapter.

- Two members shall be persons whose primary occupation is associated with a cemetery company licensed pursuant to this chapter.

- Three members shall be consumers who are residents of the state have never been licensed as funeral directors or embalmers, are not connected with a cemetery or cemetery company licensed pursuant to this chapter, and are not connected with the death care industry or the practice of embalming, funeral directing, or direct disposition. One of the consumer members shall be at least 60 years of age and one shall be licensed as a certified public accountant under chapter 473.

One member of the board shall be a principal of a monument establishment licensed under this chapter as a monument builder.

There shall not be two or more board members who are principals or employees of the same company or partnership or group of companies or partnerships under common control.

**Additional Requirements:** Terms are for four years.

The State Health Officer shall serve as long as that person holds that office. The designee of the State Health Officer shall serve at the pleasure of the Governor.

When the terms of the initial board members expire, the Chief Financial Officer shall stagger the terms of the successor members as follows: one funeral director, one cemetery representative, the monument dealer, and one consumer member appointed for terms of 2 years, and the remaining members shall be appointed for terms of 4 years. All subsequent terms shall be for 4 years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Mr. Brandenburg served in the Florida National Guard in 1964.

Number 8 - Mr. Brandenburg is a funeral director and is associated with a funeral establishment with crematory funeral services.

Number 18 - Mr. Brandenburg previously served on the Board of Funeral Directors and Embalmers, 2004-2005.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hall, Lewis

Appointed: 11/20/2017

Term: 11/20/2017 – 09/30/2021

Prior Term: 11/07/2013 - 09/30/2017

City/County: Lakeland/Polk

Office: Board of Funeral, Cemetery, and Consumer Services, Member

Authority: 497.101, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/5/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Owner/President - Gentry-Morrison Funeral Homes; Serenity Gardens

**Attendance:** Attended 54 of 54 meetings (100%) from November 7, 2013 through January 3, 2018.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The Board of Funeral, Cemetery, and Consumer Services consists of 10 members,

- Nine of whom shall be appointed by the Governor from nominations made by the Chief Financial Officer and confirmed by the Senate.

- One member must be the State Health Officer or her or his designee.

- Two members shall be funeral directors licensed under part III of this chapter who are associated with a funeral establishment.

- One member shall be a funeral director licensed under part III of this chapter who is associated with a funeral establishment licensed under part III of this chapter that has a valid preneed license issued pursuant to this chapter and who owns or operates a cinerator facility approved under chapter 403 and licensed under part VI of this chapter.

- Two members shall be persons whose primary occupation is associated with a cemetery company licensed pursuant to this chapter.

- Three members shall be consumers who are residents of the state have never been licensed as funeral directors or embalmers, are not connected with a cemetery or cemetery company licensed pursuant to this chapter, and are not connected with the death care industry or the practice of embalming, funeral directing, or direct disposition. One of the consumer members shall be at least 60 years of age and one shall be licensed as a certified public accountant under chapter 473.

One member of the board shall be a principal of a monument establishment licensed under this chapter as a monument builder.

There shall not be two or more board members who are principals or employees of the same company or partnership or group of companies or partnerships under common control.

**Additional Requirements:** Terms are for four years.

The State Health Officer shall serve as long as that person holds that office. The designee of the State Health Officer shall serve at the pleasure of the Governor.

When the terms of the initial board members expire, the Chief Financial Officer shall stagger the terms of the successor members as follows: one funeral director, one cemetery representative, the monument dealer, and one consumer member appointed for terms of 2 years, and the remaining members shall be appointed for terms of 4 years. All subsequent terms shall be for 4 years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Cemetery Services

Number 18 - Mr. Hall has served on the Board of Funeral, Cemetery, and Consumer Services since 10/2009.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Knopke, Keenan Lacy

Appointed: 11/20/2017

Term: 11/20/2017 – 09/20/2021

Prior Term: 11/07/2013 - 09/30/2017

City/County: Temple Terrace/Hillsborough

Office: Board of Funeral, Cemetery, and Consumer Services, Member

Authority: 497.101, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/25/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** President/CEO of Curlew Hills Memory Gardens

**Attendance:** Attended 48 of 54 meetings (89%) from November 7, 2013 through January 9, 2018.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The Board of Funeral, Cemetery, and Consumer Services consists of 10 members,

- Nine of whom shall be appointed by the Governor from nominations made by the Chief Financial Officer and confirmed by the Senate.

- One member must be the State Health Officer or her or his designee.

- Two members shall be funeral directors licensed under part III of this chapter who are associated with a funeral establishment.

- One member shall be a funeral director licensed under part III of this chapter who is associated with a funeral establishment licensed under part III of this chapter that has a valid preneed license issued pursuant to this chapter and who owns or operates a cinerator facility approved under chapter 403 and licensed under part VI of this chapter.

- Two members shall be persons whose primary occupation is associated with a cemetery company licensed pursuant to this chapter.

- Three members shall be consumers who are residents of the state have never been licensed as funeral directors or embalmers, are not connected with a cemetery or cemetery company licensed pursuant to this chapter, and are not connected with the death care industry or the practice of embalming, funeral directing, or direct disposition. One of the consumer members shall be at least 60 years of age and one shall be licensed as a certified public accountant under chapter 473.

One member of the board shall be a principal of a monument establishment licensed under this chapter as a monument builder.

There shall not be two or more board members who are principals or employees of the same company or partnership or group of companies or partnerships under common control.

**Additional Requirements:** Terms are for four years.

The State Health Officer shall serve as long as that person holds that office. The designee of the State Health Officer shall serve at the pleasure of the Governor.

When the terms of the initial board members expire, the Chief Financial Officer shall stagger the terms of the successor members as follows: one funeral director, one cemetery representative, the monument dealer, and one consumer member appointed for terms of 2 years, and the remaining members shall be appointed for terms of 4 years. All subsequent terms shall be for 4 years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Funeral Director/Embalmer

Number 18 - Mr. Knopke served on the Board of Funeral and Cemetery Services from 1993 to 2001.

**COMMITTEE MEETING PACKET TAB**

16

A940D

---

## Ethics and Elections

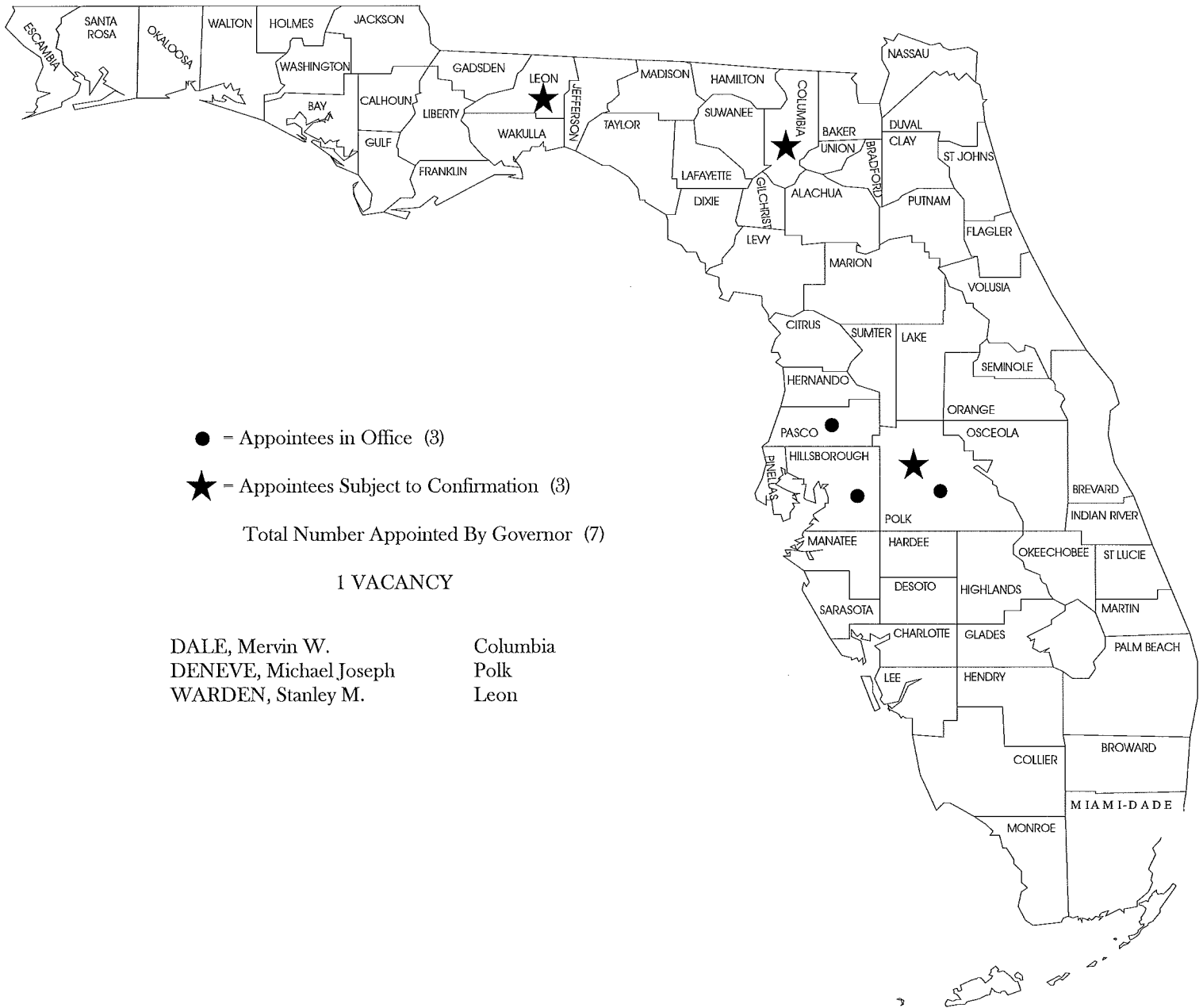
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Professional Geologists



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: DeNeve, Michael Joseph  
Term: 12/01/2017 – 10/31/2020

Appointed: 12/01/2017  
Prior Term: 07/15/2013 - 10/31/2016

City/County: Bartow/Polk

Office: Board of Professional Geologists, Member

Authority: 492.103, F.S. & 20.165(4)(a)13, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/30/17
8. Meets Requirements of Law			See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Retired

**Attendance:** Attended 11 of 13 meetings (85%) from July 15, 2013 through January 3, 2018.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.



**Requirements:** The seven-member board consists of:

- Five members who are professional geologists; and
- Two laymembers who are not, and have never been, geologists or members of any closely related profession or occupation.

The Chief of the Bureau of Geology in the Department of Environmental Protection or the chief's designee, shall serve as an ex officio member.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Professional Geologist  
Number 18 - Mr. DeNeve served on the City of Bartow Parks & Recreation Advisory Board from 1993 to 2011.

**COMMITTEE MEETING PACKET TAB**

---

Ethics and Elections

---

17

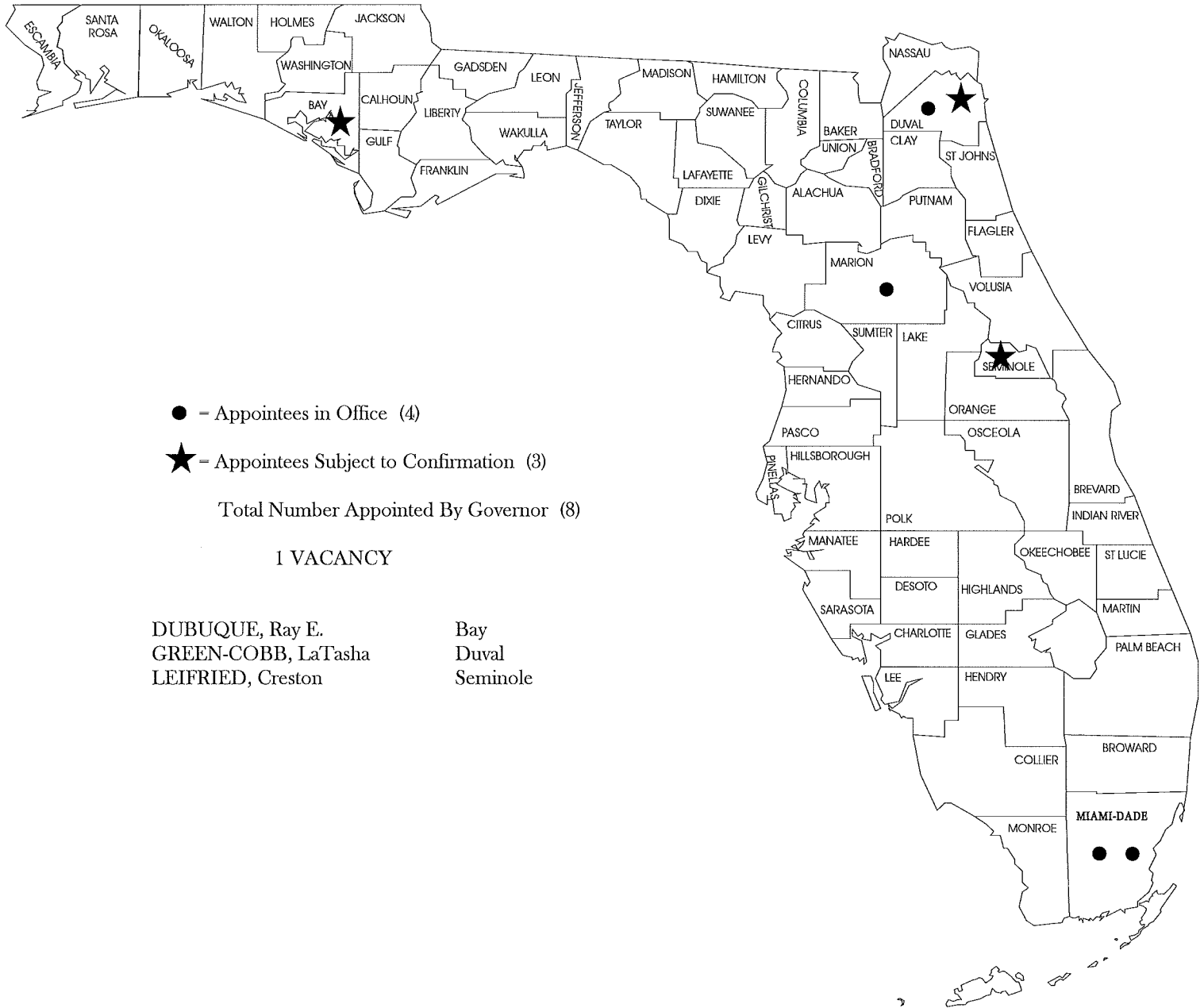
A1140D

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Florida Housing Finance Corporation



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Dubuque, Ray E.

Appointed: 12/01/2017

Term: 12/01/2017 – 11/13/2020

Prior Term: 08/02/2013 - 11/13/2016

City/County: Panama City/Bay

Office: Florida Housing Finance Corporation, Member

Authority: 420.504, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 5/5/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	See Below
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Retired

**Attendance:** Attended 40 of 43 meetings (93%) from August 2, 2013 through January 9, 2018.

**Compensation:** Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

**Additional Requirements:** Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

**Notes:** Number 8 - Lay Citizen

Number 9 - Mr. Dubuque disclosed on his questionnaire that he was convicted in 1968, in Panama City, for Disturbing the Peace and sentenced to clean high school classrooms. Later that same year in Panama City, he was fined for being a minor in possession of an alcoholic beverage. FDLE did not report this information.

Number 17 - Mr. Dubuque serves on the Panama City Planning Board, an advisory board, 1998-Present.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Green-Cobb, LaTasha

Appointed: 07/28/2007

Term: 07/28/2017 – 11/13/2020

Prior Term:

City/County: Jacksonville/Duval

Office: Florida Housing Finance Corporation, Member

Authority: 420.504, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 6 filed as of 1/4/18
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/8/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CEO of Empowered Action Corporation

**Compensation:** Reimbursed for necessary expenses, including per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The corporation shall consist of a board of directors composed of the executive director of the Department of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the director and eight members appointed by the Governor and subject to Senate confirmation, including:

- One citizen actively engaged in the residential home building industry;
- One citizen actively engaged in the banking or mortgage banking industry;
- One citizen who is a representative of those areas of labor engaged in home building;
- One citizen with experience in housing development who is an advocate for low income persons;
- One citizen actively engaged in the commercial building industry;
- One citizen who is a former local government elected official; and
- Two citizens of the state who are not principally employed as members or representatives of the above-named groups.

**Additional Requirements:** Terms are for four years.

The Governor may suspend a member for cause, including but not limited to, failure to attend at least three meetings of the board during any 12-month period.

Each member of the board of directors of the corporation shall file full and public disclosure of financial interests (Form 6) at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

**Notes:** Number 8 - Ms. Green-Cobb is a citizen with experience in low income housing development.  
Number 17 - Ms. Green-Cobb served on the Board of Directors for the Jacksonville Housing Finance Authority, 2/2012 - 11/2016.

**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

---

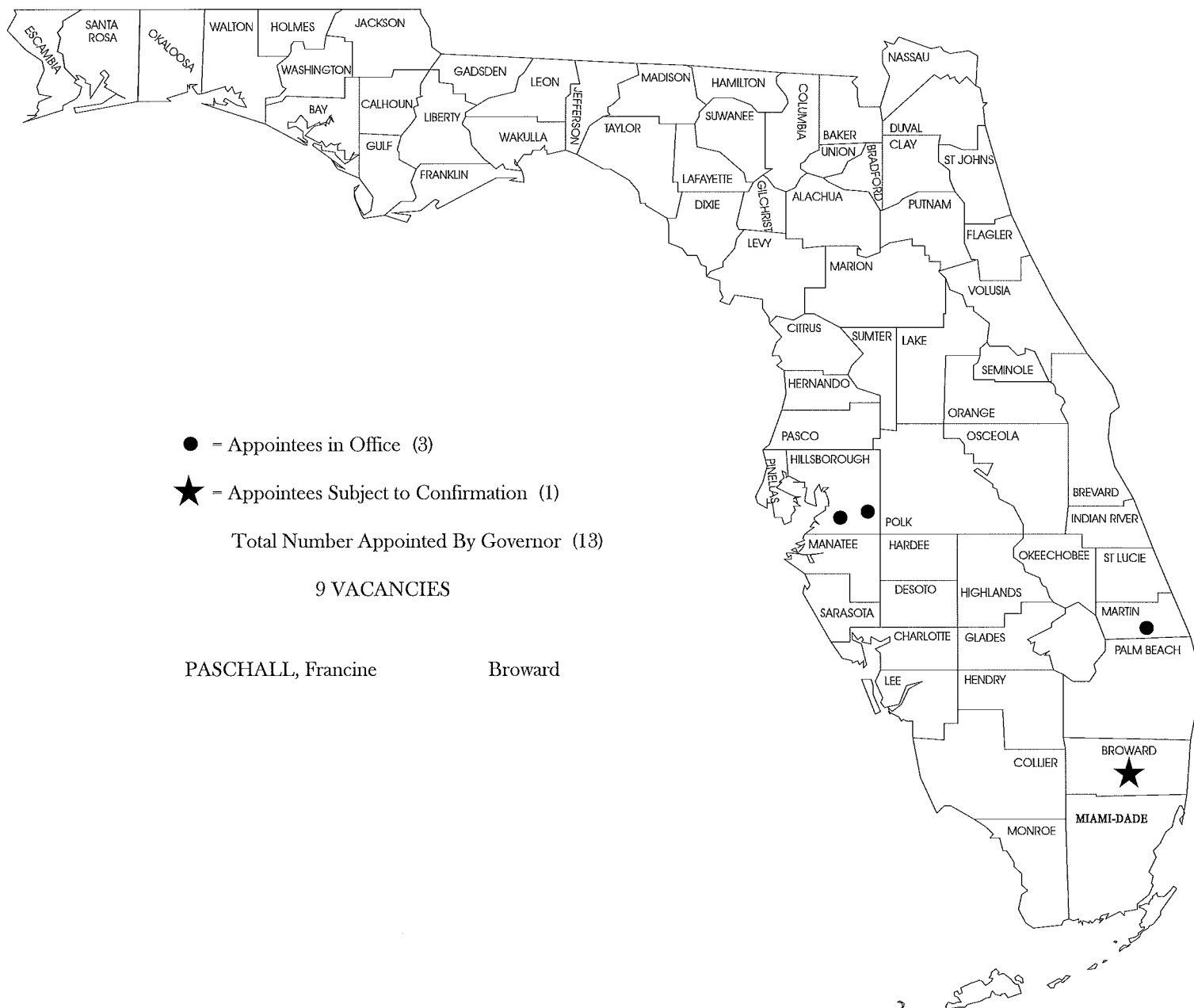
**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building



# Board of Nursing



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Paschall, Francine  
 Term: 10/27/2017 – 10/31/2020  
 City/County: Ft. Lauderdale/Broward  
 Office: Board of Nursing, Member  
 Authority: 464.004, F.S. & 20.43(3)(g)8, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 10/27/2017  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 12/12/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Division Chief Nursing Executive for HCA Healthcare

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The thirteen-member board consists of:

- Seven members must be registered nurses who are residents of the state, and have been in the practice of professional nursing for at least 4 years, including at least one advanced registered nurse practitioner, one nurse executive and one nurse educator member of an approved program. These seven board members should be representative of the diverse areas of practice within the nursing profession.
- Three members who are resident, licensed practical nurses who have practiced for at least four years;
- Three members who are residents of the state who have never been licensed as nurses, who are in no way connected with the practice of nursing, and who are not connected with and do not hold any financial interest in a health care facility, agency, or insurer; and
- At least one member who is sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Registered Nurse

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

---

## Ethics and Elections

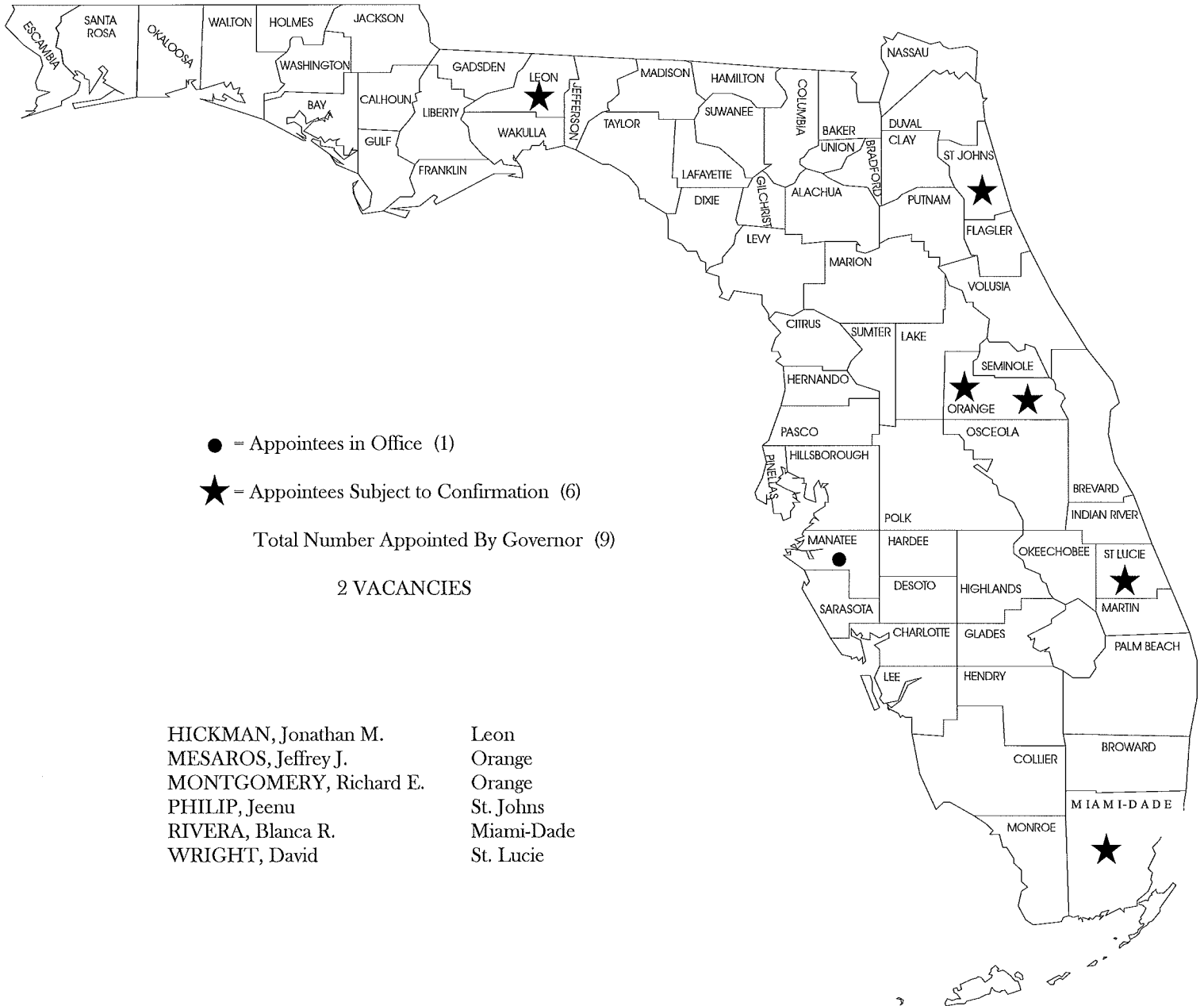
---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Pharmacy



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hickman, Jonathan M.

Appointed: 12/01/2017

Term: 12/01/2017 – 10/31/2021

Prior Term:

City/County: Tallahassee/Leon

Office: Board of Pharmacy, Member

Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 12/6/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Clinical Account Director, Astrazeneca

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The nine-member board is composed as follows:

- Seven members must be licensed pharmacists who are residents of this state, who have been engaged in practice of the profession of pharmacy in this state for at least four years and to the extent practicable, represent the various pharmacy practice settings;
  - Two pharmacist members must be currently engaged in the practice of pharmacy in a community pharmacy;
  - Two pharmacist members must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy;
  - Three pharmacist members must be pharmacists licensed in the state, irrespective of practice settings.
- Two members must be residents of this state who have never been licensed as pharmacists and who are in no way connected with the profession of pharmacy. No lay member may be connected in any way with a drug manufacturer or wholesaler; and
- At least one member must be sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Pharmacist

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Montgomery, Richard E.

Appointed: 12/01/2017

Term: 12/01/2017 – 10/31/2018

Prior Term:

City/County: Orlando/Orange

Office: Board of Pharmacy, Member

Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Pharmacist for Adventist Health System

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.



**Requirements:** The nine-member board is composed as follows:

- Seven members must be licensed pharmacists who are residents of this state, who have been engaged in practice of the profession of pharmacy in this state for at least four years and to the extent practicable, represent the various pharmacy practice settings;
  - Two pharmacist members must be currently engaged in the practice of pharmacy in a community pharmacy;
  - Two pharmacist members must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy;
  - Three pharmacist members must be pharmacists licensed in the state, irrespective of practice settings.
- Two members must be residents of this state who have never been licensed as pharmacists and who are in no way connected with the profession of pharmacy. No lay member may be connected in any way with a drug manufacturer or wholesaler; and
- At least one member must be sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Institutional Pharmacist

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Rivera, Blanca R.

Appointed: 08/25/2017

Term: 08/25/2017 – 10/31/2019

Prior Term:

City/County: Miami/Miami-Dade

Office: Board of Pharmacy, Member

Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 10/19/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/16/18
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Executive Director of Pharmacy, University of Miami Hospital

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The nine-member board is composed as follows:
- Seven members must be licensed pharmacists who are residents of this state, who have been engaged in practice of the profession of pharmacy in this state for at least four years and to the extent practicable, represent the various pharmacy practice settings;
    - Two pharmacist members must be currently engaged in the practice of pharmacy in a community pharmacy;
    - Two pharmacist members must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy;
    - Three pharmacist members must be pharmacists licensed in the state, irrespective of practice settings.
  - Two members must be residents of this state who have never been licensed as pharmacists and who are in no way connected with the profession of pharmacy. No lay member may be connected in any way with a drug manufacturer or wholesaler; and
  - At least one member must be sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Institutional Pharmacist

**COMMITTEE MEETING PACKET TAB**

---

Ethics and Elections

---

**MEETING DATE:** Tuesday, January 30, 2018

**TIME:** 2:00—4:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Kitchener, Marielle

Appointed: 06/07/2017

Term: 06/07/2017 – 03/01/2020

Prior Term: 03/28/2014 - 03/01/2017

City/County: Naples/Collier

Office: Big Cypress Basin Board of the South Florida Water Management District, Member

Authority: 373.0693(9), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 5/31/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 11/6/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Operations Manager & Biologist at Turrell, Hall & Associates, Inc. (marine/environmental consulting)

**Attendance:** Attended 19 of 19 meetings (100%) from March 28, 2014 through November 13, 2017.

**Compensation:** Reimbursed for actual travel expenses, subsistence, lodging and other expenses, while on official business, pursuant to s. 112.061, F.S.

**Requirements:** The Governor shall appoint not fewer than five persons residing in:

- Collier County; and
- mainland Monroe County.

Basin boards shall consist of not less than three members, but shall include one representative from each of the counties included in the basin.

**Additional Requirements:** Terms are for three years.

Not required to file a financial disclosure.

**Notes:** Number 8 - Collier County Resident  
Number 15 - Ms. Kitchener disclosed that her employer, Turrell Hall & Associates, provides contractual marine and environmental consulting services to Collier County, Lee County, City of Naples, and City of Marco Island.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Waters, Daniel

Appointed: 06/07/2017

Term: 06/07/2017 – 03/01/2020

Prior Term:

City/County: Naples/Collier

Office: Big Cypress Basin Board of the South Florida Water Management District, Member

Authority: 373.0693(9), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/12/17
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 11/3/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Civil Engineer at Peninsula Improvement Corporation

**Compensation:** Reimbursed for actual travel expenses, subsistence, lodging and other expenses, while on official business, pursuant to s. 112.061, F.S.

**Requirements:** The Governor shall appoint not fewer than five persons residing in:

- Collier County; and
- mainland Monroe County.

Basin boards shall consist of not less than three members, but shall include one representative from each of the counties included in the basin.

**Additional Requirements:** Terms are for three years.

Not required to file a financial disclosure.

**Notes:** Number 8 - Collier County Resident

Number 15 - Mr. Waters disclosed that his employer, Peninsula Improvement Corp., has contractual relationships with the Department of Transportation, Charlotte County, Collier County, Lee County, City of Bonita Springs, and City of Naples regarding wetland plant management. Mr. Waters also disclosed that his employer is a contractor to the Collier County Public Schools for utility plant services.

Number 19 - Mr. Waters was a Regulatory Administrator for the South Florida Water Management District, 2011-2015.



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Platau, Steven M.  
**BOARD:** Board of Accountancy  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Williams, Mark M.  
**BOARD:** Florida State Boxing Commission  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Gilson, David R.  
**BOARD:** Florida Building Commission  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Weingarten, Mindy A.  
**BOARD:** Board of Chiropractic Medicine  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Pyott, Gary Lee  
**BOARD:** Regulatory Council of Community Association Managers  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Ryals, Daniel E. III  
**BOARD:** Board of Trustees of Chipola College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Davidson, Robert  
**BOARD:** Board of Trustees of Daytona State College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Nix, Danny Gene, Jr.  
**BOARD:** Board of Trustees of Florida SouthWestern State College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Suga, Sheldon  
**BOARD:** Board of Trustees of Florida Keys Community College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Reid, Randall H.  
**BOARD:** Board of Trustees of Hillsborough Community College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Wright, Patrick Joseph "Joe"  
**BOARD:** Board of Trustees of South Florida State College  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Feaster, Ted W.  
**BOARD:** Construction Industry Licensing Board  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Albers, Kris-Tena  
**BOARD:** State of Florida Correctional Medical Authority  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Chaykin, Lee B.  
**BOARD:** State of Florida Correctional Medical Authority  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Huot, Richard A.  
**BOARD:** State of Florida Correctional Medical Authority  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Andrade, Fabio A.  
**BOARD:** Board of Dentistry  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Kavouklis, Nicholas M.  
**BOARD:** Board of Dentistry  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Brandenburg, Joseph A.  
**BOARD:** Board of Funeral, Cemetery, and Consumer Services  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Hall, Lewis  
**BOARD:** Board of Funeral, Cemetery, and Consumer Services  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Knopke, Keenan Lacy  
**BOARD:** Board of Funeral, Cemetery, and Consumer Services  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** DeNeve, Michael Joseph  
**BOARD:** Board of Professional Geologists  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Dubuque, Ray E.  
**BOARD:** Florida Housing Finance Corporation  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Green-Cobb, LaTasha  
**BOARD:** Florida Housing Finance Corporation  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Paschall, Francine  
**BOARD:** Board of Nursing  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Hickman, Jonathan M.  
**BOARD:** Board of Pharmacy  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Montgomery, Richard E.  
**BOARD:** Board of Pharmacy  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Rivera, Blanca R.  
**BOARD:** Board of Pharmacy  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Kitchener, Marielle  
**BOARD:** Big Cypress Basin Board of the South Florida Water Management District  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

## COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Ethics and Elections  
**NAME:** Waters, Daniel  
**BOARD:** Big Cypress Basin Board of the South Florida Water Management District  
**FINAL ACTION:** Recommend Confirm  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: CS/SJR 194

INTRODUCER: Ethics and Elections Committee, Senator Steube and others

SUBJECT: Limitation of Terms of Office for Members of a District School Board

DATE: January 31, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	<b>Fav/CS</b>
2.			ED	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SJR 194 proposes that district school board members be subject to a 12-year consecutive service term limitation. This is four years longer than the term limits that presently apply to statewide officers and legislators. The provision would operate prospectively beginning with the 2018 general election. Thus, the earliest any currently serving school board member could be “termed-out” would be at the 2030 general election.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2018.

**II. Present Situation:**

**Term Limits**

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for eight consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or

- U.S. Senator from Florida.<sup>1</sup>

The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.<sup>2</sup>

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76% of electors voting on the measure).<sup>3</sup> The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

### **Florida School Boards**

There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

Each county shall constitute a school district ... In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.<sup>4</sup>

There are currently about 330 school board members across the 67 districts in Florida.<sup>5</sup> In 2016-17, there were approximately 50 new school board members.<sup>6</sup>

### **III. Effect of Proposed Changes:**

CS/SJR 194 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in the office for 12 consecutive years. While the language mirrors

---

<sup>1</sup> Art. VI, s. 4(b), FLA. CONST.

<sup>2</sup> See, *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995).

<sup>3</sup> See Florida Division of Elections website at <http://dos.elections.myflorida.com/initiatives/> (Year=1992; Ballot proposal #9) (last visited Jan. 25, 2018). For more information on the 1992 term-limit constitutional amendment, see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited Jan. 25, 2018).

<sup>4</sup> Fla. Const. Art. IX s. 4(b).

<sup>5</sup> For a list of all Florida school boards and a link to the corresponding school boards website visit: <http://fsba.org/membership/school-boards/> (last visited Jan. 25, 2018).

<sup>6</sup> *State of the Association: Making Strides for Public Education, 2016-17 Annual Report, Vol. 2*, pg. 3.

Florida School Boards Association <http://fsba.org/wp-content/uploads/2017/10/1617-Annual-Report-FULL-BLEED-8-28-17-Final.pdf> (last visited Jan. 25, 2018).

the current constitutional limits that apply to state legislators and certain Cabinet members, its duration is four years (one term) longer. The provision would operate prospectively beginning with the 2018 general election; thus, the earliest any currently serving school board member could be “termed-out” would be at the 2030 general election.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2018. The joint resolution, by its express terms, would apply upon approval of the voters — at least 60% of those voting on the measure.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the linked House Bill, but has informed committee staff that the cost to advertise constitutional amendments for the 2018 general election is expected to be about \$120.31 per word.<sup>7</sup> At that rate, this 317-word amendment will cost **\$38,138.27**.

---

<sup>7</sup> E-mail from Austin Stowers, Legislative Affairs Director, Fla. Dep’t of State to Jonathan Fox, Chief Attorney, Senate Ethics and Elections Comm. (Jan. 26, 2018)(on file with Ethics and Elections committee).



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Florida Constitution Revision Commission is currently considering a similar proposal on term limits for school board members (Proposal 43; Commissioner Donalds), which passed all committees of reference by a combined vote of 13-1.<sup>8</sup> As this Senate resolution moves forward, the bill sponsor may wish to consult with the CRC to avoid potentially duplicative or conflicting ballot proposals.

**VIII. Statutes Affected:**

This bill substantially amends section 4 of Article IX of the Florida Constitution.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Elections on January 30, 2018:**

The CS eliminates the retroactivity provisions in the original bill, and provides for 12-year consecutive service term limits in lieu of an 8-year lifetime ban.

- B. **Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

---

<sup>8</sup> Florida Constitution Revision Commission web site at <http://flcrc.gov/Proposals/Commissioner/2017/0043> (last visited Jan. 25, 2018).



834136

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2018	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the resolving clause  
and insert:

That the following amendment to Section 4 of Article IX and  
the creation of a new section in Article XII of the State  
Constitution are agreed to and shall be submitted to the  
electors of this state for approval or rejection at the next  
general election or at an earlier special election specifically  
authorized by law for that purpose:



834136

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

(c) A person may not appear on the ballot for reelection to the office of school board member if, by the end of the current term of office, the person will have served, or but for resignation would have served, in that office for eight consecutive years.

ARTICLE XII

SCHEDULE

Limitation on terms of office for members of a district school board.—This section and the amendment to Section 4 of Article IX imposing term limits for the terms of office for members of a district school board shall take effect on the date it is approved by the electorate, but no service in a term of office which commenced prior to November 6, 2018, will be counted against the limitation imposed by this amendment.



834136

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 4

ARTICLE XII

LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT SCHOOL BOARD.—Proposing an amendment to the State Constitution to limit terms for school board members by prohibiting incumbent members who have held the office for the preceding eight years from appearing on a ballot for reelection to that office and to provide that the amendment only applies to terms of office beginning on or after November 6, 2018.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the resolving clause and insert:

A bill to be entitled

A joint resolution proposing an amendment to Section 4 of Article IX and the creation of a new section in Article XII of the State Constitution to limit the terms of office for a member of a district school board; providing applicability; providing an effective date.



438760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2018	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Rodriguez) recommended the following:

**Senate Amendment to Amendment (834136) (with ballot amendment)**

Delete line 29  
and insert:  
resignation would have served, in that office for twelve

===== B A L L O T   S T A T E M E N T   A M E N D M E N T =====

And the ballot statement is amended as follows:

Delete line 48



438760

11 and insert:  
12 members who have held the office for the preceding twelve years

By Senator Steube

23-00053-18

2018194\_\_

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution to limit the terms of office for a member of a district school board.

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

That the following amendment to Section 4 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein. Two or more school districts may operate and finance joint educational programs.

(c) A person may not serve as a member of a district school

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

23-00053-18

2018194\_\_

board for more than two four-year terms. If a member of a district school board resigns before completing two terms and subsequently seeks election to the school board, the time served before resignation shall constitute one four-year term of office for purposes of determining applicability of this subsection. Time served as a school board member before the first term to which a person is elected following the election at which this subsection is ratified shall be counted in determining two terms of service.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IX, SECTION 4

LIMITATION ON TERMS OF OFFICE FOR MEMBERS OF A DISTRICT SCHOOL BOARD.—Proposing an amendment to the State Constitution to limit the years of district school board member service to 2 terms; to provide that if a member resigns before completing such terms and seeks reelection, time served before resignation shall constitute one 4-year term; and to provide that a member's time served before the election at which this amendment is ratified is counted in determining 2 terms of service.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-2018  
Meeting Date

SR 194  
Bill Number (if applicable)

Topic School Board Member Term Limits

\*834136  
Amendment Barcode (if applicable)

Name Shawn Frost

Job Title \_\_\_\_\_

Address 113 S. Monroe St., First Floor  
Street  
Tallahassee FL 32301  
City State Zip

Phone (850) 391-0421

Email Frost@shawnfrost.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Coalition of School Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18  
Meeting Date

194  
Bill Number (if applicable)

\*834/38  
Amendment Barcode (if applicable)

Topic Amend not 8 to 12 years

Name Nick Tomboulides

Job Title Executive Director - U.S. Term Limits

Address 3270 Svotree Blvd #201  
Street

Phone 696-709-2466

Melbourne FL 32940  
City State Zip

Email NTomboulides@termlimits.org

Speaking: ☐ For ☒ Against ☐ Information

Amend not

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing U.S. Term Limits

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

# APPEARANCE RECORD

✓

1/30/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SJR194

Bill Number (if applicable)

\* 834136

Amendment Barcode (if applicable)

Topic

School Board Term Limits

Name

Ausem Sikel

Job Title

PHL Vice Chair

Address

1502 The Pointe Drive

Phone

561-843-7702

Street

West Palm Beach

FL

33409

City

State

Zip

Email

ausemsikel@gmail.com

Speaking:

☐

For



Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Republican Liberty Caucus of Florida

Appearing at request of Chair:

☐

Yes



No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Tab # 21 ✓

SPR  
194

1-30-18  
Meeting Date

Bill Number (if applicable)

438760  
Amendment Barcode (if applicable)

Topic 12 yrs

Name Chris Doolin

Job Title Rural Consultant

Address 1118-B Thomasville Rd  
Street

Phone 850-508-5492

City

State

Zip

Email cdoolin@netbilly.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

# APPEARANCE RECORD

1/30/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SJR 194

Bill Number (if applicable)

\* 834136

Amendment Barcode (if applicable)

Topic School Board Term Limits

Name Alex Snitker

Job Title President

Address 9851 SR 54

Street

New Port Richey FL

City

State

34655

Zip

Phone 813 315 0513

Email Alex@LibertyFirstNetwork.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Liberty First Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

Tab # 21 W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

Meeting Date

Bill Number (if applicable)

834136

Amendment Barcode (if applicable)

Topic SB Term Limits

Name BillieAnne Gay

Job Title \_\_\_\_\_

Address 203 S Monroe

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850.414.2578

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida School Boards Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

TAB # 21

W

11/30/2018

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5JR 194

Bill Number (if applicable)

Topic SCHOOL BOARD TERMS

Amendment Barcode (if applicable)

Name MARILYNN WILLS

Job Title LWVF member

Address 2326 KILKENNY DRIVE WEST

Phone 850 893-4104

Street

TALLAHASSEE

FL

32309

City

State

Zip

Email marilynnwills@msn.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Tab #21 ✓

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-30-2018  
Meeting Date

SJR 194  
Bill Number (if applicable)

Topic TERM Limits for District School Boardmembers Amendment Barcode (if applicable)

Name Shawn Frost

Job Title \_\_\_\_\_

Address 113 S. Monroe St. First Floor  
Street

Phone (850) 931-0421

Tallahassee FL 32301  
City State Zip

Email Frost@shawnfrost.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Coalition of School Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

Meeting Date

SJR 194

Bill Number (if applicable)

Topic

School Board Term Limits

Amendment Barcode (if applicable)

Name

Austin Skel

Job Title

RLC Vice Chair

Address

1502 the Pointe Drive

Phone

561-843-7702

Street

West Palm Beach

FL

33409

Email

austinskel@gmail.com

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

Waive Speaking:

☐ In Support

☐ Against

(The Chair will read this information into the record.)

Representing

Republican Liberty Caucus of Florida

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

# APPEARANCE RECORD

1/30/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

STR 194

Bill Number (if applicable)

Topic School Board Term Limits

Amendment Barcode (if applicable)

Name Alex Snaker

Job Title President

Address 9851 SR 54

Phone 813 315 0513

New Port Richey FL 34655  
City State Zip

Email Alex@LibertyFirstNetwork.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Liberty First Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18  
Meeting Date

SJR 194  
Bill Number (if applicable)

Topic Term Limits

Amendment Barcode (if applicable)

Name Nicolas Tomboulidos

Job Title Executive Director - US Term Limits

Address 3270 Suntree Blvd #201

Phone 846-784-2466

Street

Melbourne

FL

32940

City

State

Zip

Email NTomboulidos@term  
limits.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing US Term Limits

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

✓

THE FLORIDA SENATE

APPEARANCE RECORD

1-30-2018

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

194

Bill Number (if applicable)

Topic School Board Member Term Limits Amendment Barcode (if applicable)

Name Andrea Messina

Job Title Executive Director

Address 203 S. Monroe St

Street

Tallahassee FL 32301

City

State

Zip

Phone 850 566 1860

Email messina@fsba.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida School Boards Assn

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

W

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1-30-18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SJR 194

Bill Number (if applicable)

Topic Term Limits For School Board Members Amendment Barcode (if applicable)

Name Chris Doolin

Job Title CONSULTANT

Address 1118-B THOMASVILLE ROAD

Phone 850-508-5492

Street  
TALLAHASSEE, FLA  
City State Zip

Email cdoolin@nettally.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing RURAL SCHOOL DISTRICTS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Banking and Insurance, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on Finance and Tax  
Appropriations Subcommittee on Pre-K - 12 Education  
Children, Families, and Elder Affairs  
Regulated Industries

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

### SENATOR GREG STEUBE

23rd District

August 28, 2017

The Honorable Keith Perry  
Florida Senate  
312 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Perry,

I am writing this letter because my bill, SJR 194 – Limitation of Terms of Office for Members of a District School Board, has been referred to the Senate Ethics and Elections Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Steube".

W. Gregory Steube, District 23

### REPLY TO:

- ☐ 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**COMMITTEE:** Ethics and Elections  
**ITEM:** SJR 194  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: CS/SJR 792

INTRODUCER: Ethics and Elections Committee and Senator Lee

SUBJECT: Chief Financial Officer

DATE: January 30, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	<b>Fav/CS</b>
2.			JU	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SJR 792 is a joint resolution to amend the state constitution that would provide, if approved by the voters, additional duties of the state's Chief Financial Officer. Specifically, the resolution would require that the Chief Financial Officer serve as a principal in consensus economic, demographic, and revenue estimating conferences. The resolution provides the Chief Financial Officer the authority to review and certify state contracts in excess of ten million dollars. That threshold is subject to review every four years to account for inflation or deflation.

If passed by a three-fifths vote of each house of the Legislature, the proposal will be voted on at the general election in November 2018; sixty percent of those voting on the measure is required for approval.

**II. Present Situation:**

The Chief Financial Officer ("CFO") is an elected constitutional Cabinet member.<sup>1</sup> The CFO serves as the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.<sup>2</sup> Such responsibilities include, but are not limited to, auditing and adjusting accounts of officers and those indebted to

---

<sup>1</sup> See, Art. IV, s. 4, Fla. Const.

<sup>2</sup> See, Art. IV, s.4(c), Fla. Const., and s. 17.001, F.S.

the state,<sup>3</sup> paying state employee salaries,<sup>4</sup> and reporting all disbursements of funds administered by the CFO.<sup>5</sup>

The CFO also serves as the head of the Department of Financial Services (“DFS”), which executes the duties of the CFO.<sup>6</sup> The DFS consists of the following divisions:

- The Division of Accounting and Auditing;
- The Division of State Fire Marshal;
- The Division of Risk Management;
- The Division of Treasury;
- The Division of Insurance Fraud;
- The Division of Rehabilitation and Liquidation;
- The Division of Insurance Agents and Agency Services;
- The Division of Consumer Services;
- The Division of Workers’ Compensation;
- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Division of Insurance Consumer Advocate;
- The Division of Funeral, Cemetery, and Consumer Services; and
- The Division of Public Assistance Fraud.<sup>7</sup>

The Financial Services Commission,<sup>8</sup> Board of Funeral, Cemetery, and Consumer Services,<sup>9</sup> and Strategic Markets Research and Assessment Unit<sup>10</sup> are also established within the DFS.

### **III. Effect of Proposed Changes:**

The joint resolution would amend the State Constitution to require the CFO to participate as a principal in consensus economic, demographic, and revenue estimating conferences.

The CFO would also be required to review and certify certain state contracts proposed by or on behalf of any state agency, entity, or officer of the executive branch. This provision specifically applies only to state contracts which require a payment or aggregate payments in excess of ten million dollars from funds appropriated to the state agency, entity, or officer before the execution of any such contract.

---

<sup>3</sup> See, s. 17.04, F.S.

<sup>4</sup> See, s. 17.09, F.S.

<sup>5</sup> See, s. 17.11, F.S.

<sup>6</sup> See, s. 20.121, F.S.

<sup>7</sup> See, s. 20.121(2), F.S.

<sup>8</sup> The Financial Services Commission is composed of the Governor and the Cabinet members, and includes the Office of Insurance Regulation and the Office of Financial Regulation. The offices are responsible for activities of the commission relating to regulation and investigation of violations of law relating to insurance and financial institutions. See, s. 20.121(3)(a), F.S.

<sup>9</sup> The Board of Funeral, Cemetery, and Consumer Services is created within the Division of Funeral, Cemetery, and Consumer Services, and regulates licenses issued under Ch. 497, F.S. (Funeral, Cemetery, and Consumer Services). See, ss. 20.121(4) and 497.103, F.S.

<sup>10</sup> The Strategic Markets Research and Assessment Unit creates reports on issues, trends, and threats that broadly impact the condition of the financial services industries. See, s. 20.121(6), F.S.



The CFO shall ensure that such a contract complies with state law as to its procurement and content. The CFO shall ensure that any payments required to be made by the state agency, entity, or officer under the contract in any fiscal year do not exceed the amount appropriated for that fiscal year or the amount authorized by law for the purpose of the contract. The ten-million-dollar threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or a successor index as calculated by the United States Department of Labor, Bureau of Labor Statistics, or its successor agency.

The processes for review and certification of contracts, as well as adjustment for inflation or deflation, is required to be established by implementing legislation.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

According to the Division, the projected cost to advertise constitutional amendments for the 2018 primary and general election cycle was \$120.31 per word. Using those rates, the cost to advertise this amendment in newspapers and produce booklets for the 2018 *general election could be \$76,396.85*, at a minimum. This cost estimate is contingent on

multiple amendments needing advertising, as there is an inverse relationship between the price per word and the length of the advertisements. If no other amendments needed to be advertised, the price per word would be significantly higher. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known.

Total expenses related to constitutional amendment advertising for the 2018 election cycle are likely to be significant, as the 2018 ballot will include amendments placed there by the Constitutional Revision Commission (when the Commission last met in 1998, 13 amendments were placed on the ballot). Amendments can also be placed on the ballot via the initiative petition process, or by a joint resolution of the Florida Legislature. So far, four amendments will appear on the 2018 ballot.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This joint resolution substantially amends Article IV of the Florida Constitution.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Elections on January 30, 2018:**

The Committee Substitute differs from the original bill in that it makes technical structural changes and specifically requires the Legislature to implement the changes via implementing legislation.

- B. **Amendments:**

None.



896244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2018	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Lee) recommended the following:

**Senate Amendment (with ballot amendment)**

Delete lines 43 - 59  
and insert:

(4) As prescribed by general law, review and certify,  
before execution, that each proposed contract of a state agency,  
entity, or officer of the executive branch requiring a payment  
or aggregate payments in excess of ten million dollars from  
funds appropriated to the state agency, entity, or officer:  
a. Complies with general laws relating to procurement;



896244

b. Includes all provisions required by general law for  
state agency contracts; and

c. Does not require payments by the state agency, entity,  
or officer in any fiscal year in excess of the amount  
appropriated for that fiscal year or the amount authorized by  
general law, for the purpose of the contract.

The legislature shall enact legislation to implement this  
paragraph, including the adjustment, to be adjusted at least  
every four years, of the contract amount threshold to reflect  
the rate of inflation or deflation as indicated in the Consumer  
Price Index for All Urban Consumers, U.S. City Average, All  
Items, or a successor index, as calculated by the United States  
Department of Labor Bureau of Labor Statistics, or its successor  
agency.

=====  
And the ballot statement is amended as follows:

Delete lines 81 - 89  
and insert:

DUTIES OF THE CHIEF FINANCIAL OFFICER.—Expands the Chief  
Financial Officer's duties to require that he or she participate  
as a principal in consensus economic, demographic, and revenue  
estimating conferences and review and certify certain state  
contracts above a threshold dollar amount to ensure compliance  
with certain laws and that such contracts do not require  
payments in any fiscal year which exceed the amount appropriated  
or the amount authorized by law. Requires the Legislature to  
enact legislation to implement the amendment.

By Senator Lee

20-01007-18

2018792\_\_

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution to revise the duties and responsibilities of the Chief Financial Officer.

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

That the following amendment to Section 4 of Article IV of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

20-01007-18

2018792\_\_

transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall:

(1) Settle and approve accounts against the state;~~and shall~~

(2) Keep all state funds and securities;

(3) Participate as a principal in consensus economic, demographic, and revenue estimating conferences; and

(4) Review and certify state contracts proposed by or on behalf of any state agency, entity, or officer of the executive branch as defined by general law which require a payment or aggregate payments in excess of ten million dollars from funds appropriated to the state agency, entity, or officer before the execution of any such contract. The chief financial officer shall ensure that such a contract complies with state law as to its procurement and content and that any payments required to be made by the state agency, entity, or officer under the contract in any fiscal year do not exceed the amount appropriated for that fiscal year or the amount authorized by law for the purpose of the contract. The ten-million-dollar threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or a successor index as calculated by the United States Department of

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

20-01007-18 2018792\_\_

59 Labor, Bureau of Labor Statistics, or its successor agency.  
 60 (d) The commissioner of agriculture shall have supervision  
 61 of matters pertaining to agriculture except as otherwise  
 62 provided by law.  
 63 (e) The governor as chair, the chief financial officer, and  
 64 the attorney general shall constitute the state board of  
 65 administration, which shall succeed to all the power, control,  
 66 and authority of the state board of administration established  
 67 pursuant to Article IX, Section 16 of the Constitution of 1885,  
 68 and which shall continue as a body at least for the life of  
 69 Article XII, Section 9(c).  
 70 (f) The governor as chair, the chief financial officer, the  
 71 attorney general, and the commissioner of agriculture shall  
 72 constitute the trustees of the internal improvement trust fund  
 73 and the land acquisition trust fund as provided by law.  
 74 (g) The governor as chair, the chief financial officer, the  
 75 attorney general, and the commissioner of agriculture shall  
 76 constitute the agency head of the Department of Law Enforcement.  
 77 BE IT FURTHER RESOLVED that the following statement be  
 78 placed on the ballot:  
 79 CONSTITUTIONAL AMENDMENT  
 80 ARTICLE IV, SECTION 4  
 81 DUTIES OF THE CHIEF FINANCIAL OFFICER.—Proposing an  
 82 amendment to the State Constitution to expand the duties of the  
 83 Chief Financial Officer to require that he or she participate as  
 84 a principal in consensus economic, demographic, and revenue  
 85 estimating conferences; review and certify certain state  
 86 contracts above a threshold dollar amount; and ensure that such  
 87 contracts comply with state law and do not require payments in

Page 3 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

20-01007-18 2018792\_\_

88 any fiscal year which exceed the amount appropriated or the  
 89 amount authorized by law.

Page 4 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

## THE FLORIDA SENATE

## APPEARANCE RECORD

Tab # 22

1/30/2018

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 792

Meeting Date

Bill Number (if applicable)

Topic SB 792

Amendment Barcode (if applicable)

Name Elizabeth Boyd

Job Title Deputy Chief Financial Officer

Address 400 N Monroe St, PL 11

Phone 850-413-4902

Street

Tallahassee

FL

32399

City

State

Zip

Email elizabeth.boyd@myfloridacfo.com

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Department of Financial Services

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

## Committee Agenda Request

**To:** Senator Keith Perry, Chair  
Senate Committee on Ethics and Elections

**Subject:** Committee Agenda Request

**Date:** November 17, 2017

---

I respectfully request that **Senate Bill #792**, relating to the **Chief Financial Officer**, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20



**COMMITTEE:** Ethics and Elections  
**ITEM:** SJR 792  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: CS/SB 1628

INTRODUCER: Ethics and Elections Committee, Senator Book, and others

SUBJECT: Sexual Harassment

DATE: January 30, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	<b>Fav/CS</b>
2.			GO	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1628 creates the Task Force on the Prevention of Sexual Harassment and Misconduct, which is tasked with studying the issue of sexual harassment within Florida's government and making recommendations concerning existing policies and new policies that may be established. Specifically, the Task Force must examine complaint processes, reporting complaints, investigations, confidentiality of the complaints, victim support and assistance, training, and other states' actions to reduce the incidences of harassment and to protect the rights of victims.

The bill also creates an express provision in the Code of Ethics for Public Officers and Employees which prohibits an officer, candidate for office, employee, or a lobbyist from engaging in sexual harassment.

This bill is effective upon becoming law.

**II. Present Situation:**

Section 110.1221, F.S., provides that sexual harassment is a form of discrimination.<sup>1</sup> That statute requires the Department of Management Services ("DMS") to have uniform sexual harassment

---

<sup>1</sup> Additionally, a complaint process specifically available to career service employees who are the victims of sexual harassment has also been established in s. 110.227, F.S.

rules that apply to all executive agencies,<sup>2</sup> and specifies that the term “sexual harassment” must be defined in a manner consistent with the federal definition. The DMS has, pursuant to that statute, adopted rules which are currently located in Rule 60L-40.001, F.A.C.

Rule 60L-40.001, F.A.C., provides:

- Agencies shall not tolerate sexual harassment;<sup>3</sup>
- Agencies make it known to employees that sexual harassment will not be tolerated;<sup>4</sup>
- Agencies must develop and implement procedures to investigate and resolve written complaints of sexual harassment;<sup>5</sup>
- That filing a complaint pursuant to agency procedures does not preclude seeking redress through other appropriate venues;<sup>6</sup>
- Requires discipline of any employee who engages in sexual harassment;<sup>7</sup>
- Requires supervisors who have knowledge of any sexual harassment to report it to the agency person in charge of sexual harassment claims;<sup>8</sup>
- Specifies that a supervisor’s failure to do so shall be grounds for disciplining that supervisor;<sup>9</sup>
- Provides the authority to discipline an employee that makes a false allegation of sexual harassment;<sup>10</sup> or
- Requires that agencies shall not tolerate retaliation against a person who has in good faith made a complaint of sexual harassment; opposed a complaint of sexual harassment, or participated in any manner in an investigation or proceeding, involving allegations of sexual harassment.

Personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), of the Florida Constitution.<sup>11</sup>

### **Florida Commission on Ethics Proceedings Concerning Sexual Harassment**

The Florida Commission on Ethics (“Commission”) is created pursuant to Art. II, s. 8, of the Florida Constitution. The state constitution provides the Commission with the authority to investigate and report on breaches of the public trust.<sup>12</sup> That section of the state constitution also is the authority for the Code of Ethics for Public Officers and Employees (“Code”), which is located in Part III, Ch. 112, F.S. The Code provides various standards of conduct, disclosure requirements, advisory opinion authority, investigation authority for complaints and referrals it receives alleging a breach of Art. II, s. 8 or the Code of Ethics, and the authority to recommend

---

<sup>2</sup> The judicial branch, legislative branch, counties, municipalities, and special districts may adopt their own policies and procedures that are not inconsistent with applicable law. For example, the Senate recently amended existing rules and procedures in the Senate Policy and Procedures Manual to provide for complaints, investigation, and punishment of sexual harassment. *See*, Rule 1.49 of the Senate Policy and Procedures Manual.

<sup>3</sup> Rule 60L-40.001(1), F.A.C.

<sup>4</sup> Rule 60L-40.001(2), F.A.C.

<sup>5</sup> Rule 60L-40.001(3), F.A.C.

<sup>6</sup> Rule 60L-40.001(6), F.A.C.

<sup>7</sup> Rule 60L-40.001(7), F.A.C.

<sup>8</sup> Rule 60L-40.001(8), F.A.C.

<sup>9</sup> *Id.*

<sup>10</sup> Rule 60L-40.001(9), F.A.C.

<sup>11</sup> Section 119.071(2)(n), F.S.

<sup>12</sup> Art. II, s. 8(f), Fla. Const.

prescribed penalties. Additionally, the Code provides that documents and proceedings on complaints and referrals are confidential and exempt until such time a complaint is dismissed as legally insufficient, whether probable cause exists, the alleged violator requests in writing that the records and proceedings be made public, or, in the case of a referral, that the Commission has determined that it will not investigate the referral.<sup>13</sup> The penalties that the Commission can recommend include: public censure and reprimand, impeachment, removal, dismissal from employment, forfeiture of public salary for up to 1 year, a civil penalty up to \$10,000 per violation, and restitution.<sup>14</sup>

While the Code does not have an express provision addressing sexual harassment, the Commission has routinely interpreted s. 112.313(6), F.S., since at least 1980, if not earlier, to prohibit sexual harassment. Section 112.313(6), F.S., prohibits misuse of public position. That section reads as follows:

MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

For purposes of that section, the term “corruptly” means:

[D]one with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.<sup>15</sup>

The courts have upheld application of s. 112.313(6), F.S., in complaints alleging sexual harassment.<sup>16</sup>

### **III. Effect of Proposed Changes:**

#### **Task Force on the Prevention of Sexual Harassment and Misconduct**

The bill creates the Task Force on the Prevention of Sexual Harassment and Misconduct (“Task Force”). The Task Force will meet for the first time no later than July 2018, and will meet at least every four years after that. The Task Force will meet as many times as it is necessary in order to perform its assigned duties.

The Task Force’s express purpose is studying the problem of sexual harassment and misconduct and examining best practices to prevent sexual harassment and misconduct, particularly in government settings and as applied to the conduct of public officers, candidates for public office, agency employees, and lobbyists. The Task Force is created within the legislative branch for administrative purposes only. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall assign staff to assist the Task Force in performing its duties.

---

<sup>13</sup> Section 112.324(2), F.S.

<sup>14</sup> Section 112.317, F.S.

<sup>15</sup> Section 112.312(9), F.S.

<sup>16</sup> *Bruner v. Commission on Ethics*, 384 So.2d. 1339 (Fla. 1<sup>st</sup> DCA, 1980); *Garner v. Commission on Ethics*, 415 So. 2d 67 (Fla. 1<sup>st</sup> DCA, 1982); *Garner v. Commission on Ethics*, 439 So.2d 894 (Fla. 2<sup>nd</sup> DCA, 1983).

The Task Force membership is as follows:

- One member of the Senate, and one full time employee of the Senate, appointed by the President of the Senate;
- One member of the House of Representatives, and one full time employee of the House of Representatives, appointed by the Speaker of the House of Representatives;
- One member appointed by the Governor;
- One member representing the Florida Council Against Sexual Violence, appointed by the Council's executive director;
- One member representing the Florida Association of Counties, appointed by the Association's president;
- One representative of the Florida League of Cities, appointed by the League's president;
- One representative of the Florida Association of Professional Lobbyists, appointed by the Association's chair;
- One representative of the Florida Press Association, appointed by the Association's chair; and
- One representative of the Florida Behavioral Health Association, appointed by the Association's chair.

Members of the Task Force shall serve without compensation, but members are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S., to be paid by the appointing authority.

A person making appointments to the Task Force is required to consider the diversity of the Task Force in making his or her appointments. If a vacancy occurs, it is filled in the same manner as the person is leaving the Task Force was appointed. Once the Task Force is constituted, the members must designate a chair at their first meeting.

The Task Force must consider, at a minimum, the following:

- The adequacy of current methods of reporting complaints, and the investigations thereof, of sexual harassment or misconduct;
- Current procedures regarding the maintenance of the confidentiality of complaints, investigations, and the identity of victims;
- Victims' ability to obtain support, care, and assistance;
- The adequacy of measures currently available to hold offenders accountable;
- Any training and educational programs addressing sexual harassment or misconduct currently offered by governmental entities and whether further changes are needed to such programs to increase their effectiveness; and
- Measures taken in other states to reduce the incidence of sexual harassment or misconduct involving public officers, candidates, and agency employees and to protect the rights of victims.

The Task Force shall report its findings and recommendations, including any recommendations for proposed legislative changes, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15 before the next regular session of the Legislature.

## Florida Commission on Ethics Proceedings Concerning Sexual Harassment

In addition to creating the Task Force, the bill also creates a new section of the Code of Ethics for Public Officers and Employees specifically addressing sexual harassment and amends existing provisions of the Code of Ethics to codify long-standing interpretation. The new sexual harassment prohibition in s. 112.3126, F.S. states:

A public officer, a candidate who has qualified to run for public office, an agency employee, or a lobbyist may not sexually harass any individual, regardless of whether an employment relationship exists.

For purposes of this prohibition, the following definitions apply:

- “Lobbyist” means a person who is either required to register to lobby before the legislative branch pursuant to s. 11.045, F.S., a person required to register to lobby before the executive branch or the Constitution Revision Commission pursuant to s. 112.3215, F.S.; and a person who, for compensation, seeks to influence a political subdivision with respect to a decision of a political subdivision, or an agency thereof, with respect to policy and procurement, or attempts to obtain the goodwill of an official or employee of the political subdivision.
- “Sexually harass” includes an unwelcome sexual advance; a request for a sexual favor; or any other conduct of a sexual nature by a public officer, a candidate for public office, an employee of an agency, or a lobbyist which is directed toward any individual when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment;
  - Submission to or rejection of such conduct by an individual is used as the basis for how the public officer, candidate, agency employee, or lobbyist makes decisions relating to his or her position which affect such individual; or
  - Such conduct has the purpose or effect of creating an intimidating, a hostile, or an offensive working environment.

The bill also prohibits a public officer, a candidate who has qualified to run for public office, an agency employee, or a lobbyist from taking retaliatory action against a complainant; it further prohibits knowingly or recklessly disclosing any information that can be used to ascertain the identity of the person who alleged the conduct without their consent. The bill also allows a victim to have the services of a victim advocate and attorney at Ethics Commission proceedings.

If a person gets personal knowledge of sexual harassment or misconduct, he or she is required to report it to the Commission or to the agency person designated to handle such complaints. The bill also prohibits the knowing or reckless filing of false complaints.

In regard to s. 112.313(2), F.S., which prohibits what are commonly referred to as “quid pro quo” gifts, the bill codifies the long-standing interpretation that sexual favors or sexual conducts are prohibited “favors” under the “quid pro quo” gifts law. That section is also amended to end the practice of using “a closer” by prohibiting anyone from offering or providing sexual favors or conduct to, or offer or engage in sexual conduct with, a public officer or employee in an effort to influence his or her official actions, judgment, or to obtain their goodwill. That provision is also amended to prohibit anyone from directing anyone else to be their “closer.”

The bill also amends s. 112.313(6), F.S., which prohibits corrupt misuse of one's public position or resources or property within their trust to benefit themselves or others, by codifying the long-standing interpretation of the term "benefit" to include sexual favors and sexual conduct.

The bill requires all public officers and employees who file financial disclosure to, beginning January 1, 2019, certify that they have read the applicable laws and rules concerning sexual harassment. Failure to do so is specifically made a substantive violation, as opposed to a de minimis violation. Also, lobbyists are required to certify on their lobbyist registration form that they have read the Code of Ethics for Public Officers and Employees, as well as the rules concerning lobbyist conduct that exist for the Legislative Branch and/or Executive Branch, if they lobby those entities.

In the event that any person who violates the Code's prohibitions on sexual harassment, retaliation and disclosing information about the victim's identity in s. 112.3126, F.S., and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., are punishable by a minimum fine of \$5,000 per violation and a maximum fine of \$20,000 per violation. A person who violates those provisions is also liable for costs associated with a victim advocate and the victim's attorneys' fees. All other violations created by the bill can be punished by public censure and reprimand, a civil penalty of up to \$10,000 per violation. Additionally, lobbyists can have their lobbying privileges suspended or revoked.

The bill allows a person who is designated as an agency's sexual harassment/sexual misconduct contact to make a written referral to the Commission on Ethics for investigation. Additionally, any person can file an unsworn complaint, subject to the aforementioned prohibition on false complaints. The bill also provides that personal identifying information of an alleged victim of a violation of the sexual harassment prohibition contained in a complaint or referral, and all materials relating to the complaint or referral, shall remain confidential and exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), Fla. Const., as provided in s. 119.071(2)(n), F.S.

If a Senator or Senate employee is found to have violated the prohibition, the Senate President will have the authority to impose appropriate punishment. In the case of a violation by a member or employee of the House of Representatives, the Speaker of the House of Representatives will have the authority to impose appropriate punishment. In the case of a violation by any other public officer, public employee, former public officer or public employee, candidate or former candidate, the Governor will have the authority to impose appropriate punishment. In the case of a violation by an executive branch lobbyist, the Governor and Cabinet will have the authority to impose penalties on the executive branch lobbyist. Finally, the bill provides that the President of the Senate and the Speaker of the House, jointly, have the authority to impose penalties on legislative lobbyists for violations of the new sexual harassment prohibition. Penalties must be imposed within 90 days.

The bill is effective upon becoming law.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Even though the law already provides the Florida Commission on Ethics jurisdiction over sexual harassment via the misuse of public position statute, expressly prohibiting sexual harassment may increase the number of complaints and referrals to the Commission on Ethics. This number is not expected to significantly increase the caseload of the Commission at this time. Therefore, the fiscal impact of this bill on the Commission is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 11.045, 112.313, 112.317, 112.3215, and 112.324.

This bill creates the following sections of the Florida Statutes: 11.9006 and 112.3126.



**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Ethics and Elections on January 30, 2018:**

The Committee Substitute makes substantial changes to the provisions being added to the Code of Ethics for Public Officers and Employees as follows:

- Amends the definition of “lobbyist” to include local lobbyists;
- Clarifies that only one sexual advance or one request for sexual favors constitutes sexual harassment;
- Prohibits public officers, candidates, public employees, and lobbyists from retaliating against a person who files a sexual harassment complaint;
- Prohibits intentionally or recklessly disclosing the personal identifying information, or any information that could be used to identify the complainant without their consent;
- Requires a person who has personal knowledge of sexual harassment or sexual misconduct to report it to the Commission or to the agency’s designated person who handles such allegations within 10 days;
- Prohibits knowingly or recklessly filing a false complaint involving sexual misconduct or sexual harassment;
- Authorizes a victim to have a Victim’s Advocate and their attorney present at commission proceedings on their complaint;
- Codifies that “favor” includes sexual favors and sexual conduct for purposes of the “quid pro quo” gift ban in s. 112.313(2);
- Ends the practice of using “a closer” by prohibiting anyone from offering or providing sexual favors or conduct to, or offer or engage in sexual conduct with, a public officer or employee in an effort to influence his or her official actions, judgment, or to obtain their goodwill;
- Prohibits anyone from directing anyone else to be their “closer;”
- Codifies the long-standing application of the Misuse of Public Position statute to sexual harassment and sexual misconduct by specifically identifying that sexual favors or sexual conduct are a “benefit” for purposes of that law;
- Requires all public officers and employees who file financial disclosure to certify that they have read the applicable law and policies concerning sexual harassment on their financial disclosure forms;
- Provides that failure to certify that they have read the sexual harassment law and policies on their financial disclosure form is a substantive violation of the Ethics Code, and is not de minimis;
- Requires lobbyists to certify on their lobbyist registration that they have read the Code of Ethics for Public Officers and Employees and any rules regulating their conduct as a legislative and/or executive branch lobbyist;
- Provides that any person who violates the Code’s prohibitions on sexual harassment, retaliation, disclosing information about the victim’s identity, and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., are punishable by a minimum fine of \$5,000 per violation and a maximum fine of \$20,000 per violation;

- Provides that any person who violates the Code's prohibitions on sexual harassment, retaliation, disclosing information about the victim's identity, and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., are liable for the costs associated with the victim's victim advocate and the victim's attorney's fees;
- Provides that any civil penalty for violations of the Code's prohibitions on sexual harassment, retaliation, disclosing information about the victim's identity, and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., are to be deposited into the Crimes Compensation Trust Fund;
- Provides that any lobbyist who violates the Code's prohibitions on sexual harassment, retaliation, disclosing information about the victim's identity, and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., may have their lobbying privileges suspended or revoked;
- Provides for unsworn written complaints alleging a violation of the new sexual harassment law in s. 112.3126, F.S., and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., to be filed with the Commission on Ethics;
- Authorizes an agency person designated to handle complaints related to sexual misconduct and sexual harassment to make a written referral to the Commission for it to investigate;
- Provides that personal identifying information of the victim is confidential and exempt pursuant to s. 119.071(2)(n), F.S., and, therefore, must be redacted;
- Provides the President, Speaker, or Governor and Cabinet with the authority to impose penalties for violations of s. 112.3126, F.S., and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., and
- Requires imposition of penalties for violations of s. 112.3126, F.S., and sexual misconduct in violation of ss. 112.313(2) and 112.313(6), F.S., within 90 days.

B. Amendments:

None.



423602

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2018	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 108 - 320

and insert:

Section 2. Present paragraphs (a) through (g) of subsection (2) of section 11.045, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, and a new paragraph (a) is added to that subsection, to read:

11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.—



423602

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Each lobbyist shall certify, upon registration, that he or she has read the Code of Ethics for Public Officers and Employees in part III of chapter 112, and that he or she has read the rules governing conduct of members of the Legislature and legislative lobbyists.

Section 3. Section 112.3126, Florida Statutes, is created to read:

112.3126 Prohibition on sexual harassment.—

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

(a) "Lobbyist" means a person who:

1. Is required to register to lobby before the legislative branch pursuant to s. 11.045;

2. Is required to register to lobby before the executive branch or the Constitution Revision Commission pursuant to s. 112.3215; or

3. For compensation, seeks to influence a political subdivision with respect to a decision of the political subdivision, or an agency thereof, with respect to policy or procurement, or attempts to obtain the goodwill of an official or employee of a political subdivision.

(b) "Sexually harass" includes an unwelcome sexual advance; a request for a sexual favor; or any other conduct of a sexual nature by a public officer, a candidate who has qualified for



423602

public office, an employee of an agency, or a lobbyist which is directed toward any individual when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for how the public officer, candidate, agency employee, or lobbyist makes decisions relating to his or her position which affect such individual; or

3. Such conduct has the purpose or effect of creating an intimidating, a hostile, or an offensive working environment.

(2) A public officer, a candidate who has qualified to run for public office, an agency employee, or a lobbyist may not sexually harass any individual, regardless of whether an employment relationship exists.

(3) A public officer, a candidate who has qualified to run for public office, an agency employee, or a lobbyist may not take any retaliatory action against an individual for filing a complaint alleging a violation of this section or a violation of s. 112.313(2) or (6) involving sexual favors or sexual conduct.

An individual may not intentionally or recklessly disclose information that may be used to identify an individual who alleged any such violation without obtaining the individual's consent.

(4) Upon learning of an alleged violation of subsection (2) or an alleged violation of s. 112.313(2) or (6) involving sexual favors or sexual conduct, an individual who gains personal knowledge of the alleged violation shall report it to the commission or to a designated individual in the appropriate agency in accordance with applicable rules and administrative



423602

policies within 10 business days.

(5) An individual may not knowingly or recklessly file a materially false complaint alleging a violation of this section or a violation of s. 112.313(2) or (6) involving sexual favors or sexual conduct.

(6) An alleged victim of a violation of subsection (2) or (3) is entitled to have a victim advocate and an attorney present in commission hearings that are held in response to a complaint or referral.

Section 4. Subsections (2) and (6) 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.—

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

(a) As used in this subsection, the term "favor" includes sexual favors and sexual conduct.

(b) A ~~Ne~~ 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.

(c) In an effort to influence a public officer's or employee's official actions or judgment, or to obtain his or her goodwill, an individual may not:

1. Offer or provide sexual favors to a public officer or employee;



423602

98        2. Offer to engage or engage in sexual conduct with a  
99 public officer or employee; or

100       3. Direct another individual to perform an activity  
101 prohibited under subparagraph 1. or subparagraph 2.

102       (6) MISUSE OF PUBLIC POSITION.—No public officer, employee  
103 of an agency, or local government attorney shall corruptly use  
104 or attempt to use his or her official position or any property  
105 or resource which may be within his or her trust, or perform his  
106 or her official duties, to secure a special privilege, benefit,  
107 or exemption for himself, herself, or others. This section shall  
108 not be construed to conflict with s. 104.31. For purposes of  
109 this subsection, the term "benefit" includes sexual favors and  
110 sexual conduct.

111       Section 5. Subsection (1) and paragraph (c) of subsection  
112 (8) of section 112.3144, Florida Statutes, are amended to read:

113       112.3144 Full and public disclosure of financial  
114 interests.—

115       (1) An officer who is required by s. 8, Art. II of the  
116 State Constitution to file a full and public disclosure of his  
117 or her financial interests for any calendar or fiscal year shall  
118 file that disclosure with the Florida Commission on Ethics.  
119 ~~Additionally, beginning January 1, 2015,~~ An officer who is  
120 required to complete annual ethics training pursuant to s.  
121 112.3142 must certify on his or her full and public disclosure  
122 of financial interests that he or she has completed the required  
123 ethics training. Additionally, beginning January 1, 2019, any  
124 person who is required to file a full and public disclosure of  
125 financial interests must certify on his or her disclosure that  
126 he or she has reviewed all applicable laws and policies



423602

regarding sexual harassment.

(8)

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify review of applicable sexual harassment laws and policies or completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

Section 6. Subsection (4) and paragraph (c) of subsection (10) of section 112.3145, Florida Statutes, are amended to read:  
112.3145 Disclosure of financial interests and clients represented before agencies.—

(4) ~~Beginning January 1, 2015,~~ An officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her statement of financial interests that he or she has completed the required training. Additionally, beginning January 1, 2019, any person who is required to file a statement of financial interests must certify on his or her statement that he or she has reviewed all applicable law and policies regarding sexual harassment.

(10)

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify review of sexual harassment law and policies or completion of annual ethics training required under s. 112.3142





423602

does not constitute an immaterial, inconsequential, or de minimis error or omission.

Section 7. Section 112.317, Florida Statutes, is reenacted and amended to read:

112.317 Penalties.—

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

(a) In the case of a public officer:

1. Impeachment.

2. Removal from office.

3. Suspension from office.

4. Public censure and reprimand.

5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.

6. A civil penalty not to exceed \$10,000, except as provided in paragraph (f).

7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:



423602

- 185           1. Dismissal from employment.
- 186           2. Suspension from employment for not more than 90 days  
187 without pay.
- 188           3. Demotion.
- 189           4. Reduction in his or her salary level.
- 190           5. Forfeiture of no more than one-third salary per month  
191 for no more than 12 months.
- 192           6. A civil penalty not to exceed \$10,000, except as  
193 provided in paragraph (f).
- 194           7. Restitution of any pecuniary benefits received because  
195 of the violation committed. The commission may recommend that  
196 the restitution penalty be paid to the agency by which the  
197 public employee was employed, or of which the officer was deemed  
198 to be an employee, or to the General Revenue Fund.
- 199           8. Public censure and reprimand.
- 200           (c) In the case of a candidate who violates this part or s.  
201 8(a) and (i), Art. II of the State Constitution:
- 202               1. Disqualification from being on the ballot.
- 203               2. Public censure.
- 204               3. Reprimand.
- 205               4. A civil penalty not to exceed \$10,000, except as  
206 provided in paragraph (f).
- 207           (d) In the case of a former public officer or employee who  
208 has violated a provision applicable to former officers or  
209 employees or whose violation occurred before the officer's or  
210 employee's leaving public office or employment:
- 211               1. Public censure and reprimand.
- 212               2. A civil penalty not to exceed \$10,000, except as  
213 provided in paragraph (f).



423602

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

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

1. Public censure and reprimand.

2. A civil penalty not to exceed \$10,000, except as provided in paragraph (f).

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

(f) In addition to any other penalties authorized by this subsection, in any case in which the commission finds that a violation of s. 112.3126(2); s. 112.3126(3); or s. 112.313(2) or (6) based on sexual favors or sexual conduct, has occurred:

1. A civil penalty of at least \$5,000 per violation up to a maximum penalty of \$20,000 per violation.

2. The violator is liable for any costs associated with the services of a victim advocate and for reasonable attorney fees before the commission which are incurred by the victim of the prohibited conduct.

Any civil penalty imposed pursuant to this paragraph must be paid to the Crimes Compensation Trust Fund within the Department of Legal Affairs.



423602

(g) In the case of an individual who is a lobbyist as that term is defined in s. 112.3126 and who violates s. 112.3126(2); s. 112.3126(3); or s. 112.313(2) or (6) based on sexual favors or sexual conduct, in addition to any penalties imposed under paragraph (e) or (f), the violator may be prohibited from lobbying for a specified period, including permanent revocation of lobbying privileges.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney fees, expert witness fees, or other costs of collection incurred in bringing the action.

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

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

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

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



423602

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

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

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney fees incurred in the defense of the person complained against, including the costs and reasonable attorney fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission



423602

shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 8. Present paragraphs (a) through (e) of subsection (3) of section 112.3215, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, and a new paragraph (a) is added to that subsection, to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each lobbyist to disclose, under oath, the following information:

(a) Each lobbyist shall certify that he or she has read the Code of Ethics for Public Officers and Employees contained in this part, and that he or she has read any rules governing the conduct of agency officials and lobbyists who lobby before an agency.

Section 9. Present subsections (9) through (12) of section 112.324, Florida Statutes, are renumbered as subsections (10)



423602

through (13), respectively, paragraphs (f) and (g) of subsection (2) of that section are redesignated as paragraphs (g) and (h), respectively, and a new paragraph (f) is added to that subsection, subsections (1) and (8) of that section are amended, and a new subsection (9) is added to that section, to read:

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

(1) The commission shall investigate an alleged violation of this part or other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution:

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

(b) Upon a written complaint executed on a form prescribed by the commission, if a violation of s. 112.313(2) or (6) involving sexual favors or sexual conduct or s. 112.3126 is alleged; or

(c) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, any person designated by an agency to accept complaints of sexual harassment or sexual misconduct, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust.

Within 5 days after receipt of a complaint by the commission or a determination by at least six members of the commission that



423602

the referral received is deemed sufficient, a copy shall be transmitted to the alleged violator.

(2)

(f) The personal identifying information of an alleged victim of a violation of s. 112.313(2) or (6) involving sexual favors or sexual conduct or s. 112.3126 contained in a complaint or referral, and all materials relating to the complaint or referral, remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution as provided under s. 119.071(2) (n).

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

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

(b) The Supreme Court, in any case concerning an employee





423602

of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; the President or the Speaker, in any case concerning a person who is required to register as a lobbyist under s. 11.045 for violations of s. 112.313(2) or (6) which involve sexual favors or sexual conduct or s. 112.3126; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, or Office of Program Policy Analysis and Government Accountability.

(d) The Governor and the Cabinet, in any case concerning a person who is required to register as a lobbyist under s. 112.3215 for violations of s. 112.313(2) or (6) which involve sexual favors or sexual conduct or s. 112.3126. Additionally, a political subdivision may suspend or revoke the lobbying privileges of any person authorized to lobby that political subdivision if he or she has been found to have violated s. 112.313(2) or (6) involving sexual favors or sexual conduct or s. 112.3126.

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



423602

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

(9) The proper disciplinary body or official, as designated by this section, shall impose any penalty for a violation of s. 112.313(2) or (6) which involve sexual favors or sexual conduct, s. 112.3126(2), or s. 112.3126(3), within 90 days after the date of transmittal of the commission's findings.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete lines 13 - 28  
and insert:

amending s. 11.045, F.S.; revising requirements for rules governing the registration of lobbyists who lobby the Legislature; creating s. 112.3126, F.S.; providing definitions; prohibiting public officers, qualified candidates, agency employees, and lobbyists from sexually harassing any person; prohibiting public officers, qualified candidates, agency employees, and lobbyists from taking any retaliatory action against an individual for filing a complaint alleging certain violations; prohibiting the intentional or reckless disclosure of identifying information of the complainant under specified circumstances; requiring an individual who gains personal knowledge of an alleged violation to report it to the Commission on



423602

Ethics or the appropriate agency within a specified  
timeframe; prohibiting an individual from knowingly or  
recklessly filing a materially false complaint;  
authorizing an alleged victim to have a victim  
advocate and attorney present in any commission  
hearings held in response to a complaint or referral;  
amending s. 112.313, F.S.; defining the term "favor";  
prohibiting an individual from offering or providing  
sexual favors, or offering or engaging in sexual  
conduct, in an effort to influence a public officer or  
employee or obtain his or her goodwill; defining the  
term "benefit"; amending ss. 112.3144 and 112.3145,  
F.S.; requiring certification of review of sexual  
harassment laws and policies on full and public  
disclosure of financial interests or statement of  
financial interests beginning on a specified date;  
specifying that failure to certify such review does  
not constitute an immaterial, inconsequential, or de  
minimis error or omission; reenacting and amending s.  
112.317, F.S., relating to penalties for violations of  
the Code of Ethics for Public Officers and Employees;  
specifying penalties for certain violations of the  
act; requiring certain penalties to be paid into the  
Crimes Compensation Trust Fund; amending s. 112.3215,  
F.S.; revising requirements for registration of  
lobbyists who register to lobby before the executive  
branch or the Constitution Revision Commission;  
amending s. 112.324, F.S.; waiving the requirement  
that complaints alleging certain violations of the act



423602

be signed under oath or affirmation; authorizing a designated agency official to refer complaints alleging sexual harassment or sexual misconduct to the Commission on Ethics; specifying that the personal identifying information of an alleged victim of sexual harassment contained in a complaint or referral and in related materials remains confidential and exempt from public records requirements; requiring the commission to report its findings and recommendations to the proper disciplinary official or body upon finding a violation of the act; requiring the proper disciplinary official or body to impose penalties within a specified timeframe; providing an effective

By Senator Book

32-01075-18

20181628\_\_

1 A bill to be entitled  
 2 An act relating to sexual harassment; creating s.  
 3 11.9006, F.S.; creating the Task Force on the  
 4 Prevention of Sexual Harassment and Misconduct;  
 5 requiring that the task force meet at 4-year intervals  
 6 beginning on a specified date; providing for the  
 7 staffing and the composition of the task force;  
 8 prescribing duties of and requirements for the task  
 9 force; requiring the task force to report its findings  
 10 and recommendations to the Governor and the  
 11 Legislature before a specified date; authorizing  
 12 reimbursement for per diem and travel expenses;  
 13 creating s. 112.3126, F.S.; providing definitions;  
 14 prohibiting public officers, qualified candidates,  
 15 agency employees, and lobbyists from sexually  
 16 harassing any person; reenacting and amending s.  
 17 112.317, F.S., relating to penalties for violations of  
 18 the Code of Ethics for Public Officers and Employees;  
 19 providing penalties for lobbyists who violate the  
 20 prohibition against sexual harassment; amending s.  
 21 112.324, F.S.; specifying that the personal  
 22 identifying information of an alleged victim of sexual  
 23 harassment contained in a complaint or referral and in  
 24 related materials remains confidential and exempt from  
 25 public records requirements; requiring the Commission  
 26 on Ethics to report its findings and recommendations  
 27 to the Governor and Cabinet or the Legislature upon  
 28 finding a violation of the act; providing an effective  
 29 date.

Page 1 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01075-18

20181628\_\_

30  
 31 Be It Enacted by the Legislature of the State of Florida:  
 32  
 33 Section 1. Section 11.9006, Florida Statutes, is created to  
 34 read:  
 35 11.9006 Task Force on the Prevention of Sexual Harassment  
 36 and Misconduct.—  
 37 (1) There is created the Task Force on the Prevention of  
 38 Sexual Harassment and Misconduct. The task force shall convene  
 39 no later than July 2018, and at least every 4 years thereafter.  
 40 The task force shall meet as many times as is necessary in order  
 41 to complete its duties prescribed under subsections (4) and (5).  
 42 The task force is created for the express purpose of studying  
 43 the problem of sexual harassment and misconduct and examining  
 44 best practices to prevent sexual harassment and misconduct,  
 45 particularly in government settings and as applied to the  
 46 conduct of public officers, candidates for public office, agency  
 47 employees, and lobbyists. The task force is created within the  
 48 legislative branch for administrative purposes only. The  
 49 Governor, the President of the Senate, and the Speaker of the  
 50 House of Representatives shall assign staff to assist the task  
 51 force in the performance of its duties.  
 52 (2) The task force is composed of the following  
 53 individuals:  
 54 (a) One member of the Senate and one full-time employee of  
 55 the Senate, appointed by the President of the Senate.  
 56 (b) One member of the House of Representatives and one  
 57 full-time employee of the House of Representatives, appointed by  
 58 the Speaker of the House of Representatives.

Page 2 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01075-18

20181628\_\_

(c) One member appointed by the Governor.

(d) One member representing the Florida Council Against Sexual Violence, appointed by the council's executive director.

(e) One member representing the Florida Association of Counties, appointed by the association's president.

(f) One representative representing the Florida League of Cities, appointed by the organization's president.

(g) One representative of the Florida Association of Professional Lobbyists, appointed by the association's chair.

(h) One representative of the Florida Press Association, appointed by the association's chair.

(i) One representative of the Florida Behavioral Health Association, appointed by the association's chair.

In selecting appointments, each appointing authority must consider the diversity of the members of the task force. Any vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

(3) The members of the task force shall designate a chair at their first meeting. Meetings of the task force may be held via teleconferences or other electronic means.

(4) At a minimum, the task force shall examine:

(a) The adequacy of current methods of reporting complaints, and the investigations thereof, of sexual harassment or misconduct.

(b) Current procedures regarding the maintenance of the confidentiality of complaints, investigations, and the identity of victims.

(c) Victims' ability to obtain support, care, and

32-01075-18

20181628\_\_

assistance.

(d) The adequacy of measures currently available to hold offenders accountable.

(e) Any training and educational programs addressing sexual harassment or misconduct currently offered by governmental entities and whether further changes are needed to such programs to increase their effectiveness.

(f) Measures taken in other states to reduce the incidence of sexual harassment or misconduct involving public officers, candidates, and agency employees and to protect the rights of victims.

(5) The task force shall report its findings and recommendations, including any recommendations for proposed legislative changes, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15 before the next regular session of the Legislature.

(6) Members of the task force shall serve without compensation, but members are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 to be paid by the appointing authority.

Section 2. Section 112.3126, Florida Statutes, is created to read:

112.3126 Prohibition on sexual harassment.—

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

(a) "Lobbyist" means a person who is either required to register to lobby before the legislative branch pursuant to s. 11.045 or required to register to lobby before the executive branch or the Constitution Revision Commission pursuant to s. 112.3215.

32-01075-18

20181628\_\_

(b) "Sexually harass" includes unwelcome sexual advances; requests for sexual favors; or any other conduct of a sexual nature by a public officer, a candidate for public office, an employee of an agency, or a lobbyist which is directed toward any individual when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for how the public officer, candidate, agency employee, or lobbyist makes decisions relating to his or her position which affect such individual; or

3. Such conduct has the purpose or effect of creating an intimidating, a hostile, or an offensive working environment.

(2) A public officer, a candidate who has qualified to run for public office, an agency employee, or a lobbyist may not sexually harass any individual, regardless of whether an employment relationship exists.

Section 3. Section 112.317, Florida Statutes, is reenacted and amended to read:

112.317 Penalties.—

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

(a) In the case of a public officer:

Page 5 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01075-18

20181628\_\_

1. Impeachment.

2. Removal from office.

3. Suspension from office.

4. Public censure and reprimand.

5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.

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

7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.

2. Suspension from employment for not more than 90 days without pay.

3. Demotion.

4. Reduction in his or her salary level.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

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

7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.

8. Public censure and reprimand.

(c) In the case of a candidate who violates this part or s.

Page 6 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01075-18

20181628\_\_

8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.

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

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

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

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

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

(f) In the case of an individual who is required to register as a lobbyist under s. 11.045 or s. 112.3215 and who violates s. 112.3126:

1. Public censure and reprimand.

32-01075-18

20181628\_\_

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

3. Prohibiting the violator from lobbying the legislative and executive branches for a specified period.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney fees, expert witness fees, or other costs of collection incurred in bringing the action.

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

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

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

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

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates this part or s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of



32-01075-18

20181628\_\_

suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.

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

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

32-01075-18

20181628\_\_

Section 4. Present paragraphs (f) and (g) of subsection (2) of section 112.324, Florida Statutes, are redesignated as paragraphs (g) and (h), respectively, a new paragraph (f) is added to that subsection, and subsection (8) of that section is amended, to read:

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

(2)

(f) The personal identifying information of an alleged victim of a violation of s. 112.3126 contained in a complaint or referral and all materials relating to the complaint or referral shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution as provided under s. 119.071(2)(n).

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

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission,

32-01075-18 20181628\_\_

291 members of the Public Service Commission Nominating Council, the  
 292 Auditor General, ~~or~~ the director of the Office of Program Policy  
 293 Analysis and Government Accountability, or a person who is  
 294 required to register as a lobbyist under s. 11.045 for  
 295 violations of s. 112.3126.

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

298 (c) The President of the Senate, in any case concerning an  
 299 employee of the Senate; the Speaker of the House of  
 300 Representatives, in any case concerning an employee of the House  
 301 of Representatives; or the President and the Speaker, jointly,  
 302 in any case concerning an employee of a committee of the  
 303 Legislature whose members are appointed solely by the President  
 304 and the Speaker or in any case concerning an employee of the  
 305 Public Counsel, Public Service Commission, Auditor General, or  
 306 Office of Program Policy Analysis and Government Accountability.

307 (d) The Governor and the Cabinet, in any case concerning a  
 308 person who is required to register as a lobbyist under s.  
 309 112.3215 for violations of s. 112.3126.

310 (e) Except as otherwise provided by this part, the  
 311 Governor, in the case of any other public officer, public  
 312 employee, former public officer or public employee, candidate or  
 313 former candidate, or person who is not a public officer or  
 314 employee, other than lobbyists and lobbying firms under s.  
 315 112.3215 for violations of s. 112.3215.

316 (f) ~~(e)~~ The President of the Senate or the Speaker of the  
 317 House of Representatives, whichever is applicable, in any case  
 318 concerning a former member of the Legislature who has violated a  
 319 provision applicable to former members or whose violation

32-01075-18 20181628\_\_

320 occurred while a member of the Legislature.  
 321 Section 5. This act shall take effect upon becoming a law.

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Tab #23 ✓

1628

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Sexual Harrassment

Amendment Barcode (if applicable) \_\_\_\_\_

Name Pam BondiJob Title Attorney GeneralAddress PL 01

Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Attorney Generals OfficeAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

Tab #23 W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/30/2018

Meeting Date

1628

Bill Number (if applicable)

Topic Relating to Sexual Harassment

Amendment Barcode (if applicable)

Name Jennifer L. Dritt

Job Title Executive Director

Address 1820 E. Park Avenue, Suite 100

Street

Tallahassee Florida 32301

City

State

Zip

Phone (850) 297-2000

Email jdritt@fcasv.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing the Florida Council Against Sexual Violence

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on the  
Environment and Natural Resources, *Chair*  
Appropriations  
Appropriations Subcommittee on Health and  
Human Services  
Education  
Environmental Preservation and  
Conservation  
Health Policy  
Rules

### SENATOR LAUREN BOOK

*Democratic Leader Pro Tempore*  
32nd District

January 12, 2018

Chair Keith Perry  
Committee on Ethics and Elections  
420 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Perry,

I respectfully request that you place SB 1628, relating to Sexual Harassment, on the agenda of the Committee on Ethics and Elections at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book  
Senate District 32

cc: Cameron Ulrich, Staff Director  
Diane Vause, Administrative Assistant

### REPLY TO:

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**COMMITTEE:** Ethics and Elections  
**ITEM:** SB 1628  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: SPB 7018

INTRODUCER: Ethics and Elections Committee

SUBJECT: OGSR/Agency Investigations

DATE: January 30, 2018

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carlton	Ulrich		<b>EE Submitted as Comm. Bill/Fav</b>

---

## **I. Summary:**

Current law requires that complaints of misconduct filed with an agency<sup>1</sup> against an agency employee be kept confidential and exempt<sup>2</sup> from public records requirements.<sup>3</sup> If an agency investigates such a complaint, the information obtained from the investigation is also confidential and exempt.<sup>4</sup> The complaint and the investigative information remain confidential and exempt until either the investigation ceases to be active or the agency provides written notice to the employee who is the subject of the complaint.<sup>5</sup> The written notice may be delivered personally or by mail and must state that the agency has concluded the investigation with a finding to proceed with disciplinary action or file charges<sup>6</sup> or not to proceed.<sup>7</sup>

Pursuant to the Open Government Sunset Review Act, the public meeting exemption will repeal on October 2, 2018, unless reenacted by the Legislature.

---

<sup>1</sup> Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>2</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. (*See Attorney General Opinion 85-62*, August 1, 1985).

<sup>3</sup> Section 119.071(2)(k)1., F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Section 119.071(2)(k)1.b., F.S.

<sup>7</sup> Section 119.071(2)(k)1.a., F.S.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>8</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>9</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>10</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>11</sup> The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>12</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>13</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>14</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>15</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.<sup>16</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>17</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>18</sup>

---

<sup>8</sup> FLA. CONST., Art. I, s. 24(a).

<sup>9</sup> FLA. CONST., Art. I, s. 24(a).

<sup>10</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also, see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>11</sup> Public records laws are found throughout the Florida Statutes.

<sup>12</sup> Section 119.01(1), F.S.

<sup>13</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>14</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>15</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>16</sup> FLA. CONST., Art. I, s. 24(c).

<sup>17</sup> FLA. CONST., Art. I, s. 24(c).

<sup>18</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define



When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>19</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>20</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>21</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>22</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>23</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>24</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>25</sup> or
- It protects trade or business secrets.<sup>26</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>27</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

---

important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>19</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>20</sup> A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>21</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>22</sup> Section 119.15(3), F.S.

<sup>23</sup> Section 119.15(6)(b), F.S.

<sup>24</sup> Section 119.15(6)(b)1., F.S.

<sup>25</sup> Section 119.15(6)(b)2., F.S.

<sup>26</sup> Section 119.15(6)(b)3., F.S.

<sup>27</sup> Section 119.15(6)(a), F.S. The specified questions are:

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>28</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>29</sup>

### Open Meetings Laws

The Florida Constitution provides that the public has a right to access governmental meetings.<sup>30</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>31</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.<sup>32</sup>

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”<sup>33</sup> or the “Sunshine Law,”<sup>34</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.<sup>35</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>36</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.<sup>37</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>38</sup> Failure to abide by open meetings requirements will invalidate any resolution, rule

- 
- What specific records or meetings are affected by the exemption?
  - Whom does the exemption uniquely affect, as opposed to the general public?
  - What is the identifiable public purpose or goal of the exemption?
  - Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
  - Is the record or meeting protected by another exemption?
  - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>28</sup> FLA. CONST. Art. I, s. 24(c).

<sup>29</sup> Section 119.15(7), F.S.

<sup>30</sup> FLA. CONST., Art. I, s. 24(b).

<sup>31</sup> FLA. CONST., Art. I, s. 24(b).

<sup>32</sup> FLA. CONST., Art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

<sup>33</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

<sup>34</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

<sup>35</sup> Section 286.011(1)-(2), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> Section 286.011(6), F.S.

<sup>38</sup> Section 286.011(2), F.S.

or formal action adopted at a meeting.<sup>39</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>40</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.<sup>41</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>42</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>43</sup>

### Public Record Exemption under Review

Current law requires that complaints of misconduct filed with an agency<sup>44</sup> against an agency employee be kept confidential and exempt<sup>45</sup> from public records requirements.<sup>46</sup> If an agency investigates such a complaint, the information obtained from the investigation is also confidential and exempt.<sup>47</sup> The complaint and the investigative information remain confidential and exempt until either the investigation ceases to be active or the agency provides written notice to the employee who is the subject of the complaint.<sup>48</sup> The written notice may be delivered personally or by mail and must state that the agency has concluded the investigation with a finding to proceed with disciplinary action or file charges<sup>49</sup> or not to proceed.<sup>50</sup>

The 2013 public necessity statement<sup>51</sup> for the exemption provides the following policy rationale for its enactment:

---

<sup>39</sup> Section 286.011(1), F.S.

<sup>40</sup> Section 286.011(3), F.S.

<sup>41</sup> FLA. CONST., art. I, s. 24(c).

<sup>42</sup> FLA. CONST., art. I, s. 24(c).

<sup>43</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>44</sup> Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>45</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. (See Attorney General Opinion 85-62, August 1, 1985).

<sup>46</sup> Section 119.071(2)(k)1., F.S.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Section 119.071(2)(k)1.b., F.S.

<sup>50</sup> Section 119.071(2)(k)1.a., F.S.

<sup>51</sup> Article I, s. 24(c), FLA. CONST., requires each public record exemption “state with specificity the public necessity statement justifying” its existence.

The disclosure of information, such as the nature of the complaint against an agency employee and testimony and evidence given in the investigation of the complaint, could injure an individual and deter that person from providing information pertaining to internal investigations, thus impairing the ability of an agency to conduct an investigation that is fair and reasonable. In the performance of its lawful duties and responsibilities, an agency may need to obtain information for the purpose of determining an administrative action. Without an exemption from public record requirements to protect information of a sensitive personal nature provided to an agency in the course of an internal investigation, such information becomes a public record when received and must be divulged upon request. Disclosure of information obtained during an internal investigation conducted by an agency inhibits voluntary participation of individuals during internal investigations and makes it difficult if not impossible to determine the truth.<sup>52</sup>

Pursuant to the Open Government Sunset Review Act, the public meeting exemption will repeal on October 2, 2018, unless reenacted by the Legislature.

### **Open Government Sunset Review Results**

During the 2017 interim, committee staff sent a questionnaire to every state agency, county, city, sheriff's office, public defender's office, and state attorney's office. In all, 62 questionnaire responses were received.<sup>53</sup> A majority of respondents recommended that the exemption be reenacted without changes and no respondents recommended letting the exemption repeal. Many respondents reported that their agency had received public record requests for the exempt information. The most common rationale offered for maintaining the exemption was that the temporary confidentiality it afforded the agency allowed it to maintain the fairness and integrity of the investigation that in turn encouraged all parties involved to be candid and forthcoming.

### **III. Effect of Proposed Changes:**

The bill removes the repeal date thereby reenacting the public records exemption for complaints of misconduct filed with an agency against an agency employee and all information obtained from an investigation by the agency of the complaint of misconduct.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

---

<sup>52</sup> Chapter 2013-248, L.O.F.

<sup>53</sup> The questionnaire and responses are on file with the Senate Committee on Ethics and Elections.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

FOR CONSIDERATION By the Committee on Ethics and Elections

582-01851-18

20187018pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for complaints of misconduct filed with an agency against an agency employee, and all information obtained pursuant to an agency investigation of such complaints; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (k) of subsection (2) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(k)~~1~~— A complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation by the agency of the complaint of misconduct is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the agency has either:

1.a— Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or

2.b— Concluded the investigation with a finding to proceed with disciplinary action or file charges.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

582-01851-18

20187018pb

~~2. Subparagraph 1. is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2018.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**COMMITTEE:** Ethics and Elections  
**ITEM:** SPB 7018  
**FINAL ACTION:** Submitted and Reported Favorably as Committee Bill  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: SPB 7020

INTRODUCER: Ethics and Elections Committee

SUBJECT: OGSR/Complaints of Violations and Referrals

DATE: January 30, 2018

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carlton	Ulrich		<b>EE Submitted as Comm. Bill/Fav</b>

---

**I. Summary:**

Current law provides that the complaint and records relating to the complaint or to any preliminary investigation held by the Commission on Ethics (commission) or its agents, by a Commission on Ethics and Public Trust established by any county or by any municipality, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics are confidential and exempt from public records requirements. Additionally, written referrals and records relating thereto, held by the commission, the Governor, the Department of Law Enforcement, or a state attorney, as well as records relating to any preliminary investigation of such referrals held by the commission, are confidential and exempt from public records requirements.

A proceeding, or any portion thereof, conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from public meeting requirements. Moreover, any proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from public meeting requirements.

The above records and meetings are exempt until:

- The complaint is dismissed;
- The alleged violator requests in writing that such records or proceedings be made public;
- The commission determines it will not investigate the referral; or
- The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.

The bill reenacts the public record and public meeting exemptions, which will repeal on October 2, 2018, if this bill does not become law.



## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>11</sup>

---

<sup>1</sup> FLA. CONST., Art. I, s. 24(a).

<sup>2</sup> FLA. CONST., Art. I, s. 24(a).

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST., Art. I, s. 24(c).

<sup>10</sup> FLA. CONST., Art. I, s. 24(c).

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>12</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

---

important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.  
<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>13</sup> A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

### Open Meetings Laws

The Florida Constitution provides that the public has a right to access governmental meetings.<sup>23</sup> Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.<sup>24</sup> This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.<sup>25</sup>

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”<sup>26</sup> or the “Sunshine Law,”<sup>27</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.<sup>28</sup> The board or commission must provide the public reasonable notice of such meetings.<sup>29</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.<sup>30</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>31</sup> Failure to abide by open meetings requirements will invalidate any resolution, rule

- 
- What specific records or meetings are affected by the exemption?
  - Whom does the exemption uniquely affect, as opposed to the general public?
  - What is the identifiable public purpose or goal of the exemption?
  - Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
  - Is the record or meeting protected by another exemption?
  - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. Art. I, s. 24(c).

<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> FLA. CONST., Art. I, s. 24(b).

<sup>24</sup> FLA. CONST., Art. I, s. 24(b).

<sup>25</sup> FLA. CONST., Art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

<sup>26</sup> *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

<sup>27</sup> *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

<sup>28</sup> Section 286.011(1)-(2), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Section 286.011(6), F.S.

<sup>31</sup> Section 286.011(2), F.S.

or formal action adopted at a meeting.<sup>32</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>33</sup>

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.<sup>34</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>35</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>36</sup>

### **Florida Commission on Ethics**

The Florida Commission on Ethics (commission) serves as guardian of the standards of conduct for the officers and employees of the state and its political subdivisions.<sup>37</sup> It is an independent commission, created by the Florida Constitution,<sup>38</sup> responsible for investigating and issuing public reports on complaints of breaches of the public trust<sup>39</sup> by public officers and employees. The commission must investigate sworn complaints of violations of the Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>40</sup> or of any other law over which it has jurisdiction.<sup>41</sup> The commission may initiate an investigation if it receives a sworn complaint.<sup>42</sup> It may also investigate an alleged violation submitted to the commission via referral from the Governor, Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney.<sup>43</sup>

Complaints or referrals against a candidate in any election may not be filed, nor may any intention of filing such a complaint or referral be disclosed, on the day of any such election or within the 30 days immediately preceding the date of the election, unless the complaint or referral is based upon personal information or information other than hearsay.

Current law provides that the Code of Ethics does not prohibit the governing body of a political subdivision or an agency from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in the Code of

---

<sup>32</sup> Section 286.011(1), F.S.

<sup>33</sup> Section 286.011(3), F.S.

<sup>34</sup> FLA. CONST., Art. I, s. 24(c).

<sup>35</sup> FLA. CONST., Art. I, s. 24(c).

<sup>36</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>37</sup> Section 112.320, F.S.

<sup>38</sup> Article II, s. 8(f), FLA. CONST.

<sup>39</sup> Section 112.312, F.S., defined “breach of the public trust” to mean a violation of a provision of the State Constitution or the Code of Ethics which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of the Code of Ethics.

<sup>40</sup> Chapter 112, Part III, F.S.

<sup>41</sup> See s. 112.322(1), F.S.

<sup>42</sup> Section 112.324(1)(a), F.S.

<sup>43</sup> Section 112.324(1)(b), F.S.

Ethics, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of the Code of Ethics.<sup>44</sup>

### **Public Record and Public Meeting Exemptions under Review**

Current law provides that the complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county<sup>45</sup> or by any municipality,<sup>46</sup> or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics are confidential and exempt<sup>47</sup> public records requirements.<sup>48</sup>

Written referrals, and records relating thereto, held by the commission, the Governor, the Department of Law Enforcement, or a state attorney, as well as records relating to any preliminary investigation of such referrals held by the commission, are confidential and exempt from public records requirements.<sup>49</sup>

A proceeding, or any portion thereof, conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from public meetings requirements.<sup>50</sup> Additionally, any proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from public meetings requirements.<sup>51</sup>

The above records and meetings are exempt until:

- The complaint is dismissed;
- The alleged violator requests in writing that such records or proceeding be made public;
- The commission determines it will not investigate the referral; or
- The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.<sup>52</sup>

---

<sup>44</sup> Section 112.326, F.S.

<sup>45</sup> Section 125.011(1), F.S., defines “county” to mean a county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred.

<sup>46</sup> Section 165.031(3), F.S., defines “municipality” to mean a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

<sup>47</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in statute. (*See Attorney General Opinion 85-62*, August 1, 1985).

<sup>48</sup> Section 112.324(2)(a), F.S.

<sup>49</sup> Section 112.324(2)(b), F.S.

<sup>50</sup> Section 112.324(2)(c), F.S.

<sup>51</sup> Section 112.324(2)(d), F.S.

<sup>52</sup> Section 112.324(2)(e), F.S.

The 2013 public necessity statements<sup>53</sup> for the exemptions provide the following policy rationale for their enactment:

Complaints and related records held by a Commission on Ethics and Public Trust:

The release of such information could potentially be defamatory to ... individuals [under investigation for alleged violations of ethical standards] or cause unwarranted damage to the good name or reputation...The exemption of this information would minimize the possibility of unnecessary scrutiny by the public or media of individuals under investigation and their families and will create a secure environment in which the Commission on Ethics and Public Trust may conduct its business.<sup>54</sup>

Complaints and related records held by a county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those required by law:

The exemption is necessary because the release of such information could potentially be defamatory to an individual under investigation, cause unwarranted damage to the good name or reputation of such individual, or significantly impair the investigation. The exemption creates a secure environment in which a county or municipality may conduct its investigation.<sup>55</sup>

Written referrals and records relating to such referrals held by the commission, its agents, the Governor, the Department of Law Enforcement, or a State Attorney and records relating to any preliminary investigation of such referrals:

The exemption is necessary because the release of such information could potentially be defamatory to an individual under investigation, cause unwarranted damage to the reputation of such individual, or significantly impair the integrity of the investigation.<sup>56</sup>

Portions of proceedings of the commission at which a determination regarding a referral is discussed or acted upon:

The exemption is necessary because the release of such information could potentially be defamatory to an individual under investigation, cause unwarranted damage to the reputation of such individual, or significantly impair the integrity of the investigation.<sup>57</sup>

---

<sup>53</sup> Art. I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity statement justifying” its existence.

<sup>54</sup> Chapter 97-293, L.O.F.

<sup>55</sup> Chapter 2010-130, L.O.F.

<sup>56</sup> Chapter 2013-38, L.O.F.

<sup>57</sup> Chapter 2013-38, L.O.F.

Pursuant to the Open Government Sunset Review Act, the public record and public meeting exemptions will repeal on October 2, 2018, unless reenacted by the Legislature.

### **Open Government Sunset Review**

During the 2017 interim, committee staff sent a questionnaire to the commission and to every county and city in the state. In all, 43 responses were received.<sup>58</sup> The commission stated it has received approximately five or six public record requests for the confidential and exempt information, however, the commission has not taken a position on whether the exemptions should be reenacted.

Of those received from the counties and cities, only three attested that they either had a Commission on Ethics and Public Trust or had established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics. Those respondents stated they have received public record requests for the confidential and exempt records and each recommended reenactment of the exemptions.

### **III. Effect of Proposed Changes:**

This proposed bill permanently reenacts the public records and open meetings exceptions for complaints and referrals made to the Florida Commission on Ethics.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

---

<sup>58</sup> The questionnaire and responses are on file with the Senate Committee on Ethics and Elections.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 112.324 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



FOR CONSIDERATION By the Committee on Ethics and Elections

582-01850-18

20187020pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 112.324, F.S., which provides exemptions from public records and public meetings requirements for complaints alleging a violation of part III of ch. 112, F.S., and related records that are held by the Commission on Ethics or its agents and specified local government entities, for written referrals and related records that are held by the commission or its agents, the Governor, the Department of Law Enforcement, and state attorneys, and for portions of meetings at which complaints or referrals are discussed or acted upon; removing the scheduled repeal of the exemptions; providing an effective date.

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

Section 1. Subsection (2) of section 112.324, Florida Statutes, is amended to read:

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

(2) (a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

582-01850-18

20187020pb

requirements as provided in s. 112.326 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Written referrals and records relating to such referrals held by the commission or its agents, the Governor, the Department of Law Enforcement, or a state attorney, and records relating to any preliminary investigation of such referrals held by the commission or its agents, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

(d) Any portion of a proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution, and s. 120.525.

(e) The exemptions in paragraphs (a)-(d) apply until:

1. The complaint is dismissed as legally insufficient;
2. The alleged violator requests in writing that such records and proceedings be made public;
3. The commission determines that it will not investigate the referral; or
4. The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation,

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

582-01850-18

20187020pb

whether probable cause exists to believe that a violation has occurred.

(f) A complaint or referral under this part against a candidate in any general, special, or primary election may not be filed nor may any intention of filing such a complaint or referral be disclosed on the day of any such election or within the 30 days immediately preceding the date of the election, unless the complaint or referral is based upon personal information or information other than hearsay.

~~(g) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2018.

Tab # 25 W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 30, 2018

Meeting Date

SPB 7020

Bill Number (if applicable)

Topic OGSR. Complaints of violations and referrals

Amendment Barcode (if applicable)

Name Kerrie Stillman

Job Title Director of Operations

Address 325 John Knox Road, Bldg. E, Suite 200

Street

Tallahassee

City

FL

State

32317

Zip

Phone 850-488-7864

Email stillman.kerrie@leg.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Commission on Ethics

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**COMMITTEE:** Ethics and Elections  
**ITEM:** SPB 7020  
**FINAL ACTION:** Submitted and Reported Favorably as Committee Bill  
**MEETING DATE:** Tuesday, January 30, 2018  
**TIME:** 2:00—4:00 p.m.  
**PLACE:** 412 Knott Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

# CourtSmart Tag Report

**Room:** KN 412      **Case No.:**  
**Caption:** Senate Ethics and Elections Committee

**Type:**  
**Judge:**

**Started:** 1/30/2018 2:02:17 PM  
**Ends:** 1/30/2018 3:02:24 PM      **Length:** 01:00:08

2:02:20 PM	Call to order
2:02:23 PM	Roll Call
2:02:45 PM	Quorum present
2:03:02 PM	Tab 21 SJR 194 by Sen. Steube
2:03:07 PM	Sen Steube
2:03:32 PM	AM 834136
2:03:40 PM	Sen Stuebe explains AM
2:04:16 PM	AM 438760 to AM 834136 by Sen. Rodriguez
2:04:29 PM	Sen Rodriguez explains
2:04:38 PM	Sen Hutson question
2:04:59 PM	Sen Steube respond
2:05:09 PM	Chair Perry question
2:05:33 PM	Sen Steubebe respond
2:06:49 PM	Shawn Frost, FL Coalition of School board members, speaks against
2:08:01 PM	Nick Tomboulides, Executive Director - U.S. Term Limits, speaks against
2:08:07 PM	Sen Braynon question
2:08:41 PM	Nick Tomboulides responds
2:09:06 PM	Sen Braynon Question
2:09:17 PM	Nick Tomboulides Question
2:09:24 PM	Sen Passidomo question
2:09:34 PM	Nick Tomboulides responds
2:10:58 PM	Austin Sakal, Republican Liberty Caucus of FL, speaks against
2:11:38 PM	Chris Doolin, Consultant, Rural School Districts, speaks in support
2:12:48 PM	Alex Snitker, President, Liberty First Network, speaks against
2:13:27 PM	Billie Anne Gay, Florida School Boards Assoc., Waives in Support
2:13:30 PM	Debate- Sen Passidomo
2:14:26 PM	Sen Rodriguez Waives close on AM 438760
2:14:31 PM	AM 438760 to AM 834136 Adopted
2:14:53 PM	Sen Steubebe explains SJR 194
2:15:15 PM	Marilynn Wills, League of Women Voters, waived speaking - against bill as amended
2:16:12 PM	Shawn Frost, FL Coalition of School Board Members, speaks against bill as amended
2:17:54 PM	Sen Braynon Question
2:18:17 PM	Shawn Frost Responds
2:19:00 PM	Austin Sakal, Republian Liberty Caucus of FL, Waives in opposition to bill as amended
2:19:53 PM	Alex Snitker, Liberty First Network, speaks to inform
2:20:46 PM	Nicolas Tomboulides, US Term Limits, speaks against bill as amended
2:21:21 PM	Andrea Messina, FL School Board Assoc, speaks in opposition to bill as amended
2:21:56 PM	AM 834136 (as amended) Adopted
2:22:38 PM	Sen Passidomo Debate
2:23:08 PM	Sen Hutson Debate
2:23:18 PM	Sen Steube waives close
2:23:22 PM	Roll Call
2:23:46 PM	CS /SJR 194 Recorded Favorably
2:24:11 PM	Tab 23 SB 1628 - by Sen. Book
2:24:14 PM	Sen Book Explains
2:27:35 PM	AM 423602
2:27:41 PM	Sen Book explains AM
2:34:08 PM	Sen Book waives close
2:34:18 PM	AM 423602 Adopted
2:34:54 PM	Pam Bondi, Attorney General, Office of the Attorney General, Speaks in support
2:35:24 PM	Jennifer Dritt, FL Council Against Sexual Violence, Waives Speaking in Support
2:36:05 PM	Sen Book Closes

2:36:30 PM	Roll Call
2:36:58 PM	CS/SB 1628 Recorded Favorably
2:37:09 PM	Tab 22 SJR 792 by Sen. Lee
2:37:10 PM	Sen Lee Explains
2:41:17 PM	AM 896244
2:41:21 PM	Sen Lee explains AM
2:42:17 PM	AM 896244 Adopted
2:42:36 PM	Sen Passidomo Question
2:43:16 PM	Sen Lee Response
2:45:10 PM	Sen Passidomo Question
2:45:57 PM	Sen Lee Response
2:46:39 PM	Sen Passidomo Question
2:47:04 PM	Sen Lee Response
2:48:20 PM	Elizabeth Boyd, Deputy Chief Financial Officer, Dept. of Financial Services, Speaks Against
2:49:40 PM	Sen Passidomo Question
2:50:06 PM	Elizabeth Boyd Response
2:51:12 PM	Sen Braynon Question
2:51:52 PM	Sen Passidomo Debate
2:53:36 PM	Sen Lee closes
2:57:31 PM	Roll Call
2:57:50 PM	CS/SJR 792 Recorded Favorably
2:58:13 PM	Tab 24 SPB 7018 - OGSR/Agency Investigations
2:58:39 PM	Dan Carlton, Staff Attorney, Explains
2:59:03 PM	Roll Call
2:59:19 PM	SPB 7018 Recorded Favorably to Submit as a Committee Bill
2:59:42 PM	Tab 25 SPB 7020 - Complaints of Violations and Referrals
2:59:54 PM	Dan Carlton, Staff Attorney, Explains
3:00:46 PM	Kerrie Stillman, Director of Operations, FL Commission on Ethics, waives speaking in support
3:00:55 PM	Dan Carlton waives close
3:00:59 PM	Roll Call
3:01:16 PM	SPB 7020 Recorded Favorably to Submit as a Committee Bill
3:02:06 PM	Tabs 1-20 Executive Appointments
3:02:10 PM	Roll Call on Tabs 1-20 - Executive Appointments Recommended for Confirmation
3:02:13 PM	Recorded Favorably
3:02:15 PM	Adjourned