

By the Committee on Rules & Calendar and Representatives
 Arnall, Feeney, Lynn and Fasano

1 A bill to be entitled
 2 An act relating to ethics; amending s.
 3 112.3144, F.S.; requiring former officers and
 4 employees to file a final disclosure of
 5 financial interests no later than 60 days
 6 following departure, with certain exceptions;
 7 amending s. 112.3145, F.S.; redefining the
 8 terms "local officer" and "state officer" to
 9 include certain elected individuals who have
 10 not officially assumed the responsibilities of
 11 office; requiring former officers and employees
 12 to file a final statement of financial
 13 interests within 60 days after leaving office
 14 or employment, with certain exceptions;
 15 amending s. 112.3146, F.S.; specifying that
 16 certain financial disclosure statements are
 17 public records; amending s. 112.3147, F.S.;
 18 directing the Commission on Ethics to prescribe
 19 forms for financial disclosure statements;
 20 amending s. 112.3148, F.S.; redefining the term
 21 "reporting individual" with respect to the
 22 receipt of gifts; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (1) of section 112.3144, Florida
 27 Statutes, is amended, and subsection (4) is added to said
 28 section, to read:

29 112.3144 Full and public disclosure of financial
 30 interests.--
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1 (1) No person who is required, pursuant to s. 8, Art.
2 II of the State Constitution, to file a full and public
3 disclosure of financial interests and who has filed a full and
4 public disclosure of financial interests for any calendar or
5 fiscal year shall be required to file a statement of financial
6 interests pursuant to s. 112.3145(2) and (3) for the same year
7 or for any part thereof notwithstanding any requirement of
8 this part, except that a candidate for office shall file a
9 copy of his or her disclosure with the officer before whom he
10 or she qualifies, and except for the final filing required by
11 subsection (4).

12 (4) Each person required to file full and public
13 disclosure of financial interests shall file a final
14 disclosure statement within 60 days after leaving his or her
15 public position for the period between January 1 of the year
16 in which the person leaves office and the last day of office
17 or employment, unless within the 60-day period the person
18 takes another public position requiring financial disclosure
19 under s. 8, Art. II of the State Constitution, or otherwise is
20 required to file full and public disclosure for the final
21 disclosure period.

22 Section 2. Paragraphs (a) and (c) of subsection (1),
23 paragraph (b) of subsection (2), and subsections (6) and (8)
24 of section 112.3145, Florida Statutes, are amended to read:

25 112.3145 Disclosure of financial interests and clients
26 represented before agencies.--

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

29 (a) "Local officer" means:

30 1. Every person who is elected to office in any
31 political subdivision of the state, and every person who is

1 appointed to fill a vacancy for an unexpired term in such an
2 elective office, or any individual who has been elected to,
3 but has yet to officially assume the responsibilities of,
4 public office.

5 2. Any appointed member of a board; commission;
6 authority, including any expressway authority or
7 transportation authority established by general law; community
8 college district board of trustees; or council of any
9 political subdivision of the state, excluding any member of an
10 advisory body. A governmental body with land-planning, zoning,
11 or natural resources responsibilities shall not be considered
12 an advisory body.

13 3. Any person holding one or more of the following
14 positions: mayor; county or city manager; chief administrative
15 employee of a county, municipality, or other political
16 subdivision; county or municipal attorney; chief county or
17 municipal building inspector; county or municipal water
18 resources coordinator; county or municipal pollution control
19 director; county or municipal environmental control director;
20 county or municipal administrator, with power to grant or deny
21 a land development permit; chief of police; fire chief;
22 municipal clerk; district school superintendent; community
23 college president; district medical examiner; or purchasing
24 agent having the authority to make any purchase exceeding the
25 threshold amount provided for in s. 287.017 for CATEGORY ONE,
26 on behalf of any political subdivision of the state or any
27 entity thereof.

28 (c) "State officer" means:

29 1. Any elected public officer, excluding those elected
30 to the United States Senate and House of Representatives, not
31 covered elsewhere in this part and any person who is appointed

1 to fill a vacancy for an unexpired term in such an elective
2 office, or any individual who has been elected to, but has yet
3 to officially assume the responsibilities of, public office.

4 2. An appointed member of each board, commission,
5 authority, or council having statewide jurisdiction, excluding
6 a member of an advisory body.

7 3. A member of the Board of Regents, the Chancellor
8 and Vice Chancellors of the State University System, and the
9 president of a state university.

10 (2)

11 (b) Each state or local officer and each specified
12 state employee shall file a statement of financial interests
13 no later than July 1 of each year. Each former state or local
14 officer or specified state employee shall file a final
15 financial disclosure statement within 60 days after leaving
16 his or her public position for the period between January 1 of
17 the year in which the person leaves and the last day of office
18 or employment, unless within the 60-day period the person
19 takes another public position requiring disclosure under this
20 section or s. 8, Art. II of the State Constitution, or
21 otherwise is required to file either full and public
22 disclosure or disclosure under this section for the final
23 reporting period. Each state or local officer who is appointed
24 and each specified state employee who is employed shall file a
25 statement of financial interests within 30 days from the date
26 of appointment or, in the case of a specified state employee,
27 from the date on which the employment begins, except that any
28 person whose appointment is subject to confirmation by the
29 Senate shall file prior to confirmation hearings or within 30
30 days from the date of appointment, whichever comes first.

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1 (6) Forms for compliance with the disclosure
2 requirements of this section and a current list of persons
3 subject to disclosure shall be provided by the Commission on
4 Ethics to the Secretary of State and to each supervisor of
5 elections, who shall give notice of disclosure deadlines and
6 delinquencies and distribute forms in the following manner:

7 (a)1. Not later than May 1 of each year, the
8 Commission on Ethics shall prepare a current list of the names
9 and addresses of, and the offices or positions held by, every
10 state officer, local officer, and specified employee. In
11 compiling the list, the commission shall be assisted by each
12 unit of government in providing, at the request of the
13 commission, the name, address, and name of agency of, and the
14 office or position held by, each state officer, local officer,
15 or specified state employee within the respective unit of
16 government.

17 2. Not later than May 15 of each year, the commission
18 shall provide the Secretary of State with a current mailing
19 list of all state officers and specified employees and shall
20 provide each supervisor of elections with a current mailing
21 list of all local officers required to file with such
22 supervisor of elections.

23 (b) Not later than 30 days before July 1 of each year,
24 the Secretary of State and each supervisor of elections shall
25 mail a copy of the form prescribed for compliance with
26 subsection (3) and a notice of all applicable disclosure forms
27 and filing deadlines to each person required to file a
28 statement of financial interests.

29 (c) Not later than 30 days after July 1 of each year,
30 the Secretary of State and each supervisor of elections shall
31 determine which persons required to file a statement of

1 financial interests in their respective offices have failed to
2 do so and shall send delinquency notices by certified mail to
3 such persons. Each notice shall state that a grace period is
4 in effect until September 1 of the current year; that no
5 investigative or disciplinary action based upon the
6 delinquency will be taken by the agency head or Commission on
7 Ethics if the statement is filed by September 1 of the current
8 year; that, if the statement is not filed by September 1 of
9 the current year, he or she is required by law to notify the
10 Commission on Ethics of the delinquency; and that, if upon the
11 filing of a sworn complaint the commission finds that the
12 person has failed to timely file the statement by September 1
13 of the current year, such person shall be subject to the
14 penalties provided in s. 112.317.

15 (d) Not later than 30 days following September 1 of
16 each year, the Secretary of State and the supervisor of
17 elections in each county shall certify to the Commission on
18 Ethics a list of the names and addresses of, and the offices
19 or positions held by, all persons who have failed to timely
20 file the required statements of financial interests. The
21 certification shall be on a form prescribed by the commission
22 and shall indicate whether the respective certifying official
23 has provided the disclosure forms and notice as required by
24 this subsection to all persons named on the delinquency list.

25 (e) Any state officer, local officer, or specified
26 employee whose name is not on the mailing list provided to the
27 Secretary of State or supervisor of elections is not subject
28 to the penalties provided in s. 112.317 for failure to timely
29 file a statement of financial interests in any year in which
30 the omission occurred.

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1 (f) The notification requirements of this subsection
2 do not apply to candidates or to the first filing required of
3 any state officer, specified employee, or local officer.

4 (8) A public officer who has filed a disclosure for
5 any calendar or fiscal year shall not be required to file a
6 second disclosure for the same year or any part thereof,
7 notwithstanding any requirement of this act, except that any
8 public officer who qualifies as a candidate for public office
9 shall file a copy of the disclosure with the officer before
10 whom he or she qualifies as a candidate at the time of
11 qualification, and except for the final filing required by
12 paragraph (2)(b).

13 Section 3. Section 112.3146, Florida Statutes, is
14 amended to read:

15 112.3146 Public records.--The statements required by
16 ss. 112.313, 112.3144, 112.3145, 112.3148, and 112.3149 shall
17 be public records within the meaning of s. 119.01.

18 Section 4. Section 112.3147, Florida Statutes, is
19 amended to read:

20 112.3147 Forms.--All information required to be
21 furnished by ss. 112.313, 112.3143, 112.3144, 112.3145,
22 112.3148, and 112.3149 and by s. 8, Art. II of the State
23 Constitution shall be on forms prescribed by the Commission on
24 Ethics.

25 Section 5. Paragraph (d) of subsection (2) of section
26 112.3148, Florida Statutes, is amended to read:

27 112.3148 Reporting and prohibited receipt of gifts by
28 individuals filing full or limited public disclosure of
29 financial interests and by procurement employees.--

30 (2) As used in this section:

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1 (d) "Reporting individual" means any individual,
2 including a candidate, who is required by law, pursuant to s.
3 8, Art. II of the State Constitution or s. 112.3145, to file
4 full or limited public disclosure of his or her financial
5 interests or any individual who has been elected to, but has
6 yet to officially assume the responsibilities of, public
7 office. For purposes of implementing this section, the
8 "agency" of a reporting individual who is not an officer or
9 employee in public service is the agency to which the
10 candidate seeks election or, in the case of an individual
11 elected to but yet to formally take office, the agency in
12 which the individual has been elected to serve.

13 Section 6. This act shall take effect upon becoming a
14 law.

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