

By Representative Arnall

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312,
3 F.S.; redefining the term "gift"; amending s.
4 112.3145, F.S.; redefining the term "local
5 officer"; amending s. 112.3148, F.S.;
6 establishing a reimbursement deadline with
7 regard to the valuation of gifts received by
8 reporting individuals; providing an effective
9 date.

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

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13 Section 1. Subsection (12) of section 112.312, Florida
14 Statutes, is amended to read:

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16 112.312 Definitions.--As used in this part and for
17 purposes of the provisions of s. 8, Art. II of the State
18 Constitution, unless the context otherwise requires:

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20 (12)(a) "Gift," for purposes of ethics in government
21 and financial disclosure required by law, means that which is
22 accepted by a donee or by another on the donee's behalf, or
23 that which is paid or given to another for or on behalf of a
24 donee, directly, indirectly, or in trust for the donee's
25 benefit or by any other means, for which equal or greater
26 consideration is not given within 90 days, including:

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1. Real property.

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2. The use of real property.

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3. Tangible or intangible personal property.

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4. The use of tangible or intangible personal

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property.

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5. A preferential rate or terms on a debt, loan,

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goods, or services, which rate is below the customary rate and

1 is not either a government rate available to all other
2 similarly situated government employees or officials or a rate
3 which is available to similarly situated members of the public
4 by virtue of occupation, affiliation, age, religion, sex, or
5 national origin.

6 6. Forgiveness of an indebtedness.

7 7. Transportation, other than that provided to a
8 public officer or employee by an agency in relation to
9 officially approved governmental business, lodging, or
10 parking.

11 8. Food or beverage.

12 9. Membership dues.

13 10. Entrance fees, admission fees, or tickets to
14 events, performances, or facilities.

15 11. Plants, flowers, or floral arrangements.

16 12. Services provided by persons pursuant to a
17 professional license or certificate.

18 13. Other personal services for which a fee is
19 normally charged by the person providing the services.

20 14. Any other similar service or thing having an
21 attributable value not already provided for in this section.

22 (b) "Gift" does not include:

23 1. Salary, benefits, services, fees, commissions,
24 gifts, or expenses associated primarily with the donee's
25 employment, business, or service as an officer or director of
26 a corporation or organization.

27 2. Contributions or expenditures reported pursuant to
28 chapter 106, campaign-related personal services provided
29 without compensation by individuals volunteering their time,
30 or any other contribution or expenditure by a political party.

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1 3. An honorarium or an expense related to an
2 honorarium event paid to a person or the person's spouse.

3 4. An award, plaque, certificate, or similar
4 personalized item given in recognition of the donee's public,
5 civic, charitable, or professional service.

6 5. An honorary membership in a service or fraternal
7 organization presented merely as a courtesy by such
8 organization.

9 6. The use of a public facility or public property,
10 made available by a governmental agency, for a public purpose.

11 7. Transportation provided to a public officer or
12 employee by an agency in relation to officially approved
13 governmental business.

14 8. Gifts provided directly or indirectly by a state,
15 regional, or national organization which promotes the exchange
16 of ideas between, or the professional development of,
17 governmental officials or employees, and whose membership is
18 primarily composed of elected or appointed public officials or
19 staff, to members of that organization or officials or staff
20 of a governmental agency that is a member of that
21 organization.

22 (c) For the purposes of paragraph (a), "intangible
23 personal property" means property as defined in s.
24 192.001(11)(b).

25 (d) For the purposes of paragraph (a), the term
26 "consideration" does not include a promise to pay or otherwise
27 provide something of value unless the promise is in writing
28 and enforceable through the courts.

29 Section 2. Paragraph (a) of subsection (1) of section
30 112.3145, Florida Statutes, is amended to read:

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1 112.3145 Disclosure of financial interests and clients
2 represented before agencies.--

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

5 (a) "Local officer" means:

6 1. Every person who is elected to office in any
7 political subdivision of the state, and every person who is
8 appointed to fill a vacancy for an unexpired term in such an
9 elective office.

10 2. Any appointed member of any of the following
11 boards, councils, commissions, authorities, or other bodies of
12 any county, municipality, school district, independent special
13 district, or other political subdivision of the state:

14 a. The governing body of the political subdivision, if
15 appointed;

16 b. An expressway authority or transportation authority
17 established by general law;

18 c. A community college or junior college district
19 board of trustees;

20 d. A board having the power to enforce local code
21 provisions;

22 e. A planning or zoning board, board of adjustment,
23 board of appeals, or other board having the power to
24 recommend, create, or modify land planning or zoning within
25 the political subdivision, except for citizen advisory
26 committees, technical coordinating committees, and such other
27 groups who only have the power to make recommendations to
28 planning or zoning boards;

29 f. A pension board or retirement board having the
30 power to invest pension or retirement funds or the power to
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1 make a binding determination of one's entitlement to or amount
2 of a pension or other retirement benefit; or
3 g. Any other appointed member of a local government
4 board who is required to file a statement of financial
5 interests by the appointing authority or the enabling
6 legislation, ordinance, or resolution creating the board.~~a~~
7 ~~board; commission; authority, including any expressway~~
8 ~~authority or transportation authority established by general~~
9 ~~law; community college district board of trustees; or council~~
10 ~~of any political subdivision of the state, excluding any~~
11 ~~member of an advisory body. A governmental body with~~
12 ~~land-planning, zoning, or natural resources responsibilities~~
13 ~~shall not be considered an advisory body.~~
14 3. Any person holding one or more of the following
15 positions: mayor; county or city manager; chief administrative
16 employee of a county, municipality, or other political
17 subdivision; county or municipal attorney; chief county or
18 municipal building inspector; county or municipal water
19 resources coordinator; county or municipal pollution control
20 director; county or municipal environmental control director;
21 county or municipal administrator, with power to grant or deny
22 a land development permit; chief of police; fire chief;
23 municipal clerk; district school superintendent; community
24 college president; district medical examiner; or purchasing
25 agent having the authority to make any purchase exceeding the
26 threshold amount provided for in s. 287.017 for CATEGORY ONE,
27 on behalf of any political subdivision of the state or any
28 entity thereof.
29 Section 3. Paragraph (b) of subsection (7) and
30 paragraph (a) of subsection (8) of section 112.3148, Florida
31 Statutes, are amended to read:

1 112.3148 Reporting and prohibited receipt of gifts by
2 individuals filing full or limited public disclosure of
3 financial interests and by procurement employees.--

4 (7)

5 (b) Compensation provided by the donee to the donor,
6 if provided within 90 days of receipt, shall be deducted from
7 the value of the gift in determining the value of the gift.

8 (8)(a) Each reporting individual or procurement
9 employee shall file a statement with the Secretary of State on
10 the last day of each calendar quarter, for the previous
11 calendar quarter, containing a list of gifts which he or she
12 believes to be in excess of \$100 in value, if any, accepted by
13 him or her, for which compensation was not provided by the
14 donee to the donor within 90 days of receipt of the gift to
15 reduce the value to \$100 or less, except the following:

- 16 1. Gifts from relatives.
- 17 2. Gifts prohibited by subsection (4) or s.
18 112.313(4).
- 19 3. Gifts otherwise required to be disclosed by this
20 section.

21 Section 4. This act shall take effect January 1, 2001.

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HOUSE SUMMARY

Requires compensation provided by public officers and employees for a gift to be paid within 90 days of the receipt of the gift. Requires that only members of certain appointed governmental bodies must provide disclosure of financial interests.