

582-611B-07

1 A bill to be entitled
2 An act relating to the code of ethics for
3 public officers and employees; amending s.
4 112.312, F.S.; redefining the term "business
5 entity" to include a company; amending s.
6 112.3143, F.S.; requiring that a state or local
7 public officer disclose the known interests of
8 his or her principals, relatives, or business
9 associates when voting in an official capacity;
10 amending s. 112.3145, F.S.; redefining the term
11 "local officer" to include an appointed member
12 of the board of a community redevelopment
13 agency, a finance director of a local
14 government, and a special master for a
15 political subdivision; amending ss. 112.3148
16 and 112.3149, F.S.; redefining the term
17 "procurement employee" to revise the types of
18 employees included within that definition;
19 prohibiting a reporting individual or
20 procurement employee from soliciting a gift, or
21 accepting a gift in excess of a specified
22 value, from a vendor doing business with the
23 individual's or employee's agency; prohibiting
24 the vendor from making such a gift to such
25 individual or employee; amending s. 112.3215,
26 F.S.; requiring that the Ethics Commission
27 investigate prohibited expenditures; providing
28 for the investigation of lobbyists and
29 principals under certain circumstances;
30 requiring that a fine be assessed against a
31 person who fails to provide required

1 information or who provides false information;
2 creating s. 112.3136, F.S.; specifying
3 standards of conduct for officers and employees
4 of entities serving as the chief administrative
5 officer of a political subdivision; amending s.
6 112.317, F.S.; providing for penalties to be
7 imposed against persons other than lobbyists or
8 public officers and employees; amending s.
9 112.324, F.S.; providing for the commission to
10 report to the Governor violations involving
11 persons other than lobbyists or public officers
12 and employees; amending s. 411.01, F.S.,
13 relating to school readiness programs;
14 conforming a cross-reference; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (5) of section 112.312, Florida
20 Statutes, is amended to read:

21 112.312 Definitions.--As used in this part and for
22 purposes of the provisions of s. 8, Art. II of the State
23 Constitution, unless the context otherwise requires:

24 (5) "Business entity" means any corporation, company,
25 partnership, limited partnership, proprietorship, firm,
26 enterprise, franchise, association, self-employed individual,
27 or trust, whether fictitiously named or not, doing business in
28 this state.

29 Section 2. Section 112.3143, Florida Statutes, is
30 amended to read:

31 112.3143 Voting conflicts.--

1 (1) As used in this section:

2 (a) "Public officer" includes any person elected or
3 appointed to hold office in any agency, including any person
4 serving on an advisory body.

5 (b) "Relative" means any father, mother, son,
6 daughter, husband, wife, brother, sister, father-in-law,
7 mother-in-law, son-in-law, or daughter-in-law.

8 (2) ~~A No~~ state public officer may not vote ~~is~~
9 ~~prohibited from voting~~ in an official capacity on any matter.
10 However, any state public officer voting in an official
11 capacity upon any measure that which would inure to the
12 officer's special private gain or loss; that which he or she
13 knows would inure to the special private gain or loss of any
14 principal by whom the officer is retained or to the parent
15 organization or subsidiary of a corporate principal by which
16 the officer is retained, other than an agency as defined in s.
17 112.312(2); or that which the officer knows would inure to the
18 special private gain or loss of a relative or business
19 associate of the public officer shall, within 15 days after
20 the vote occurs, disclose the nature of all of his or her
21 interests in the matter, and disclose the nature of all of the
22 interests of his or her principals, relatives, or business
23 associates which are known to him or her, his or her interest
24 as a public record in a memorandum filed with the person
25 responsible for recording the minutes of the meeting, who
26 shall incorporate the memorandum in the minutes.

27 (3) An appointed state public officer may not
28 participate in any matter that would inure to the officer's
29 special private gain or loss; that the officer knows would
30 inure to the special private gain or loss of any principal by
31 whom he or she is retained or to the parent organization or

1 subsidiary of a corporate principal by which he or she is
2 retained, other than an agency as defined in s. 112.312(2); or
3 that he or she knows would inure to the special private gain
4 or loss of a relative or business associate of the public
5 officer, without first disclosing the nature of his or her
6 interest in the matter.

7 (a) Such disclosure, indicating the nature of all of
8 his or her interests in the matter and disclosing the nature
9 of all of the interests of the principals, relatives, or
10 business associates which are known to him or her, shall be
11 made in a written memorandum and filed with the person
12 responsible for recording the minutes of the meeting before
13 the meeting in which consideration of the matter will take
14 place, and shall be incorporated into the minutes. Any such
15 memorandum becomes a public record upon filing, shall
16 immediately be provided to the other members of the agency,
17 and shall be read publicly at the next meeting held subsequent
18 to the filing of this written memorandum.

19 (b) If disclosure is not made before the meeting or if
20 any conflict is unknown before the meeting, the disclosure
21 shall be made orally at the meeting when it becomes known that
22 a conflict exists. The written memorandum disclosing the
23 nature of the conflict must be filed within 15 days after the
24 oral disclosure with the person responsible for recording the
25 minutes of the meeting and shall be incorporated into the
26 minutes of the meeting at which the oral disclosure was made.
27 Any such memorandum becomes a public record upon filing, shall
28 immediately be provided to the other members of the agency,
29 and shall be read publicly at the next meeting held subsequent
30 to the filing of this written memorandum.

31

1 ~~(4)(3)~~(a) A ~~No~~ county, municipal, or other local
2 public officer ~~may not shall~~ vote in an official capacity upon
3 any measure ~~that which~~ would inure to his or her special
4 private gain or loss; ~~that which~~ he or she knows would inure
5 to the special private gain or loss of any principal by whom
6 he or she is retained or to the parent organization or
7 subsidiary of a corporate principal by which he or she is
8 retained, other than an agency as defined in s. 112.312(2); or
9 ~~that which~~ he or she knows would inure to the special private
10 gain or loss of a relative or business associate of the public
11 officer. Such public officer shall, before ~~prior to~~ the vote
12 ~~is being~~ taken, publicly state to the assembly the nature of
13 all of the officer's interests interest in the matter, and all
14 of the interests in the matter of his or her principals,
15 relatives, or business associates which are known to him or
16 her, from which he or she is abstaining from voting and,
17 within 15 days after the vote occurs, disclose the nature of
18 all of his or her interests in the matter, and disclose the
19 nature of all of the interests of his or her principals,
20 relatives, or business associates which are known to him or
21 her, ~~his or her interest~~ as a public record in a memorandum
22 filed with the person responsible for recording the minutes of
23 the meeting, who shall incorporate the memorandum in the
24 minutes.

25 (b) However, a commissioner of a community
26 redevelopment agency created or designated pursuant to s.
27 163.356 or s. 163.357, or an officer of an independent special
28 tax district elected on a one-acre, one-vote basis, is not
29 prohibited from voting, when voting in that ~~said~~ capacity.

30 ~~(4) No appointed public officer shall participate in~~
31 ~~any matter which would inure to the officer's special private~~

1 ~~gain or loss; which the officer knows would inure to the~~
2 ~~special private gain or loss of any principal by whom he or~~
3 ~~she is retained or to the parent organization or subsidiary of~~
4 ~~a corporate principal by which he or she is retained; or which~~
5 ~~he or she knows would inure to the special private gain or~~
6 ~~loss of a relative or business associate of the public~~
7 ~~officer, without first disclosing the nature of his or her~~
8 ~~interest in the matter.~~

9 ~~(a) Such disclosure, indicating the nature of the~~
10 ~~conflict, shall be made in a written memorandum filed with the~~
11 ~~person responsible for recording the minutes of the meeting,~~
12 ~~prior to the meeting in which consideration of the matter will~~
13 ~~take place, and shall be incorporated into the minutes. Any~~
14 ~~such memorandum shall become a public record upon filing,~~
15 ~~shall immediately be provided to the other members of the~~
16 ~~agency, and shall be read publicly at the next meeting held~~
17 ~~subsequent to the filing of this written memorandum.~~

18 ~~(b) In the event that disclosure has not been made~~
19 ~~prior to the meeting or that any conflict is unknown prior to~~
20 ~~the meeting, the disclosure shall be made orally at the~~
21 ~~meeting when it becomes known that a conflict exists. A~~
22 ~~written memorandum disclosing the nature of the conflict shall~~
23 ~~then be filed within 15 days after the oral disclosure with~~
24 ~~the person responsible for recording the minutes of the~~
25 ~~meeting and shall be incorporated into the minutes of the~~
26 ~~meeting at which the oral disclosure was made. Any such~~
27 ~~memorandum shall become a public record upon filing, shall~~
28 ~~immediately be provided to the other members of the agency,~~
29 ~~and shall be read publicly at the next meeting held subsequent~~
30 ~~to the filing of this written memorandum.~~

31

1 (5) A county, municipal, or other local public officer
2 may not participate in any matter that would inure to the
3 officer's special private gain or loss or to that of any
4 principal by whom he or she is retained, or to the parent
5 organization or subsidiary of a corporate principal by which
6 he or she is retained, other than an agency as defined in s.
7 112.312(2), or that he or she knows would inure to the special
8 private gain or loss of a relative or business associate of
9 the public officer. However, a commissioner of a community
10 redevelopment agency created or designated under s. 163.356 or
11 s. 163.357, or an officer of an independent special tax
12 district who is elected on a one-acre, one-vote basis, is not
13 prohibited from participating in a matter in which he or she
14 has a voting conflict of interest as provided in this section.

15 ~~(6)(c)~~ For purposes of this section ~~subsection~~, the
16 term "participate" means any attempt to influence the decision
17 by oral or written communication, whether made by the officer
18 or at the officer's direction.

19 ~~(7)(5)~~ Whenever a public officer or former public
20 officer is being considered for appointment or reappointment
21 to public office, the appointing body shall consider the
22 number and nature of the memoranda of conflict previously
23 filed under this section by the said officer.

24 Section 3. Paragraph (a) of subsection (1) and
25 subsection (3) of section 112.3145, Florida Statutes, are
26 amended to read:

27 112.3145 Disclosure of financial interests and clients
28 represented before agencies.--

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

31 (a) "Local officer" means:

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

5 2. Any appointed member of any of the following
6 boards, councils, commissions, authorities, or other bodies of
7 any county, municipality, school district, independent special
8 district, or other political subdivision of the state:

9 a. The governing body of the political subdivision, if
10 appointed;

11 b. An expressway authority or transportation authority
12 established by general law;

13 c. A community college or junior college district
14 board of trustees;

15 d. A board having the power to enforce local code
16 provisions;

17 e. A planning or zoning board, board of adjustment,
18 board of appeals, community redevelopment agency board, or
19 other board having the power to recommend, create, or modify
20 land planning or zoning within the political subdivision,
21 except for citizen advisory committees, technical coordinating
22 committees, and such other groups who only have the power to
23 make recommendations to planning or zoning boards;

24 f. A pension board or retirement board having the
25 power to invest pension or retirement funds or the power to
26 make a binding determination of one's entitlement to or amount
27 of a pension or other retirement benefit; or

28 g. Any other appointed member of a local government
29 board who is required to file a statement of financial
30 interests by the appointing authority or the enabling
31 legislation, ordinance, or resolution creating the board.

1 3. Any person holding one or more of the following
2 positions: mayor; county or city manager; chief administrative
3 employee of a county, municipality, or other political
4 subdivision; county or municipal attorney; finance director of
5 a county, municipality, or other political subdivisions; chief
6 county or municipal building code inspector; county or
7 municipal water resources coordinator; county or municipal
8 pollution control director; county or municipal environmental
9 control director; county or municipal administrator, with
10 power to grant or deny a land development permit; chief of
11 police; fire chief; municipal clerk; district school
12 superintendent; community college president; district medical
13 examiner; special master for a political subdivision who has
14 the authority to determine or adjudicate any personal or
15 property rights, duties, or obligations; or purchasing agent
16 having the authority to make any purchase exceeding the
17 threshold amount provided for in s. 287.017 for CATEGORY ONE,
18 on behalf of any political subdivision of the state or any
19 entity thereof.

20 (3) The statement of financial interests for state
21 officers, specified state employees, local officers, and
22 persons seeking to qualify as candidates for state or local
23 office shall be filed even if the reporting person holds no
24 financial interests requiring disclosure, in which case the
25 statement shall be marked "not applicable." Otherwise, the
26 statement of financial interests, which must be specified on
27 the reporting form, shall include, at the filer's option,
28 either:

29 (a)1. All sources of income in excess of 5 percent of
30 the gross income received during the disclosure period by the
31 person in his or her own name or by any other person for his

1 or her use or benefit, excluding public salary. However, this
2 shall not be construed to require disclosure of a business
3 partner's sources of income. The person reporting shall list
4 such sources in descending order of value with the largest
5 source first;

6 2. All sources of income to a business entity in
7 excess of 10 percent of the gross income of a business entity
8 in which the reporting person held a material interest and
9 from which he or she received an amount which was in excess of
10 10 percent of his or her gross income during the disclosure
11 period and which exceeds \$1,500. The period for computing the
12 gross income of the business entity is the fiscal year of the
13 business entity which ended on, or immediately prior to, the
14 end of the disclosure period of the person reporting;

15 3. The location or description of real property in
16 this state, except for residences and vacation homes, owned
17 directly or indirectly by the person reporting, when such
18 person owns in excess of 5 percent of the value of such real
19 property, and a general description of any intangible personal
20 property worth in excess of 10 percent of such person's total
21 assets. For the purposes of this paragraph, indirect
22 ownership does not include ownership by a spouse or minor
23 child; and

24 4. Every individual liability that equals more than
25 the reporting person's net worth; or

26 (b)1. All sources of gross income in excess of \$2,500
27 received during the disclosure period by the person in his or
28 her own name or by any other person for his or her use or
29 benefit, excluding public salary. However, this shall not be
30 construed to require disclosure of a business partner's
31 sources of income. The person reporting shall list such

1 sources in descending order of value with the largest source
2 first;

3 2. All sources of income to a business entity in
4 excess of 10 percent of the gross income of a business entity
5 in which the reporting person held a material interest and
6 from which he or she received gross income exceeding \$5,000
7 during the disclosure period. The period for computing the
8 gross income of the business entity is the fiscal year of the
9 business entity which ended on, or immediately prior to, the
10 end of the disclosure period of the person reporting;

11 3. The location or description of real property in
12 this state, except for residence and vacation homes, owned
13 directly or indirectly by the person reporting, when such
14 person owns in excess of 5 percent of the value of such real
15 property, and a general description of any intangible personal
16 property worth in excess of \$10,000. For the purpose of this
17 paragraph, indirect ownership does not include ownership by a
18 spouse or minor child; and

19 4. Every liability in excess of \$10,000.

20 Section 4. Paragraph (e) of subsection (2), subsection
21 (3), subsection (4), and paragraph (a) of subsection (5) of
22 section 112.3148, Florida Statutes, are amended to read:

23 112.3148 Reporting and prohibited receipt of gifts by
24 individuals filing full or limited public disclosure of
25 financial interests and by procurement employees.--

26 (2) As used in this section:

27 (e) "Procurement employee" means any employee of an
28 officer, department, board, commission, ~~or~~ council, or agency
29 of the executive branch or judicial branch of state government
30 who has participated in the preceding 12 months ~~participates~~
31 through decision, approval, disapproval, recommendation,

1 preparation of any part of a purchase request, influencing the
2 content of any specification or procurement standard,
3 rendering of advice, investigation, or auditing or in any
4 other advisory capacity in the procurement of contractual
5 services or commodities as defined in s. 287.012, if the cost
6 of such services or commodities exceeds ~~\$10,000~~\$1,000 in any
7 fiscal year.

8 (3) A reporting individual or procurement employee is
9 prohibited from soliciting any gift from a political committee
10 or committee of continuous existence, as defined in s.
11 106.011, from a vendor doing business with the reporting
12 individual's or procurement employee's agency, or from a
13 lobbyist who lobbies the reporting individual's or procurement
14 employee's agency, or the partner, firm, employer, or
15 principal of such lobbyist, where such gift is for the
16 personal benefit of the reporting individual or procurement
17 employee, another reporting individual or procurement
18 employee, or any member of the immediate family of a reporting
19 individual or procurement employee.

20 (4) A reporting individual or procurement employee or
21 any other person on his or her behalf is prohibited from
22 knowingly accepting, directly or indirectly, a gift from a
23 political committee or committee of continuous existence, as
24 defined in s. 106.011, from a vendor doing business with the
25 reporting individual's or procurement employee's agency, or
26 from a lobbyist who lobbies the reporting individual's or
27 procurement employee's agency, or directly or indirectly on
28 behalf of the partner, firm, employer, or principal of a
29 lobbyist, if he or she knows or reasonably believes that the
30 gift has a value in excess of \$100; however, such a gift may
31 be accepted by such person on behalf of a governmental entity

1 or a charitable organization. If the gift is accepted on
2 behalf of a governmental entity or charitable organization,
3 the person receiving the gift shall not maintain custody of
4 the gift for any period of time beyond that reasonably
5 necessary to arrange for the transfer of custody and ownership
6 of the gift.

7 (5)(a) A political committee or a committee of
8 continuous existence, as defined in s. 106.011; a vendor doing
9 business with the reporting individual's or procurement
10 employee's agency; a lobbyist who lobbies a reporting
11 individual's or procurement employee's agency; the partner,
12 firm, employer, or principal of a lobbyist; or another on
13 behalf of the lobbyist or partner, firm, principal, or
14 employer of the lobbyist is prohibited from giving, either
15 directly or indirectly, a gift that has a value in excess of
16 \$100 to the reporting individual or procurement employee or
17 any other person on his or her behalf; however, such person
18 may give a gift having a value in excess of \$100 to a
19 reporting individual or procurement employee if the gift is
20 intended to be transferred to a governmental entity or a
21 charitable organization.

22 Section 5. Paragraph (e) of subsection (1), and
23 subsections (3) and (4) of section 112.3149, Florida Statutes,
24 are amended to read:

25 112.3149 Solicitation and disclosure of honoraria.--

26 (1) As used in this section:

27 (e) "Procurement employee" means any employee of an
28 officer, department, board, commission, ~~or~~ council, or agency
29 of the executive branch or judicial branch of state government
30 who has participated in the preceding 12 months ~~participates~~
31 through decision, approval, disapproval, recommendation,

1 preparation of any part of a purchase request, influencing the
2 content of any specification or procurement standard,
3 rendering of advice, investigation, or auditing or in any
4 other advisory capacity in the procurement of contractual
5 services or commodities as defined in s. 287.012, if the cost
6 of such services or commodities exceeds ~~\$10,000~~\$1,000 in any
7 fiscal year.

8 (3) A reporting individual or procurement employee is
9 prohibited from knowingly accepting an honorarium from a
10 political committee or committee of continuous existence, as
11 defined in s. 106.011, from a vendor doing business with the
12 reporting individual's or procurement employee's agency, from
13 a lobbyist who lobbies the reporting individual's or
14 procurement employee's agency, or from the employer,
15 principal, partner, or firm of such a lobbyist.

16 (4) A political committee or committee of continuous
17 existence, as defined in s. 106.011, a vendor doing business
18 with the reporting individual's or procurement employee's
19 agency, a lobbyist who lobbies a reporting individual's or
20 procurement employee's agency, or the employer, principal,
21 partner, or firm of such a lobbyist is prohibited from giving
22 an honorarium to a reporting individual or procurement
23 employee.

24 Section 6. Subsection (8) of section 112.3215, Florida
25 Statutes, is amended, present subsections (11), (12), (13),
26 and (14) of that section are redesignated as subsections (12),
27 (13), (14), and (15), respectively, and a new subsection (11)
28 is added to that section, to read:

29 112.3215 Lobbying before the executive branch or the
30 Constitution Revision Commission; registration and reporting;
31 investigation by commission.--

1 (8)(a) The commission shall investigate every sworn
2 complaint that is filed with it alleging that a person covered
3 by this section has failed to register, has failed to submit a
4 compensation report, has made a prohibited expenditure, or has
5 knowingly submitted false information in any report or
6 registration required in this section.

7 (b) All proceedings, the complaint, and other records
8 relating to the investigation are confidential and exempt from
9 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
10 State Constitution, and any meetings held pursuant to an
11 investigation are exempt from the provisions of s. 286.011(1)
12 and s. 24(b), Art. I of the State Constitution either until
13 the alleged violator requests in writing that such
14 investigation and associated records and meetings be made
15 public or until the commission determines, based on the
16 investigation, whether probable cause exists to believe that a
17 violation has occurred.

18 (c) The commission shall investigate any lobbying
19 firm, lobbyist, principal, agency, officer, or employee upon
20 receipt of information from a sworn complaint or from a random
21 audit of lobbying reports indicating a possible violation
22 other than a late-filed report.

23 (d) Records relating to an audit conducted pursuant to
24 this section or an investigation conducted pursuant to this
25 section or s. 112.32155 are confidential and exempt from s.
26 119.07(1) and s. 24(a), Art. I of the State Constitution, and
27 any meetings held pursuant to such an investigation or at
28 which such an audit is discussed are exempt from s. 286.011
29 and s. 24(b), Art. I of the State Constitution either until
30 the lobbying firm requests in writing that such investigation
31 and associated records and meetings be made public or until

1 the commission determines there is probable cause that the
2 audit reflects a violation of the reporting laws. This
3 paragraph is subject to the Open Government Sunset Review Act
4 in accordance with s. 119.15 and shall stand repealed on
5 October 2, 2011, unless reviewed and saved from repeal through
6 reenactment by the Legislature.

7 (11) Any person who is required to be registered or to
8 provide information under this section or under rules
9 established pursuant to this section and who knowingly fails
10 to disclose any material fact that is required by this section
11 or by rules established pursuant to this section, or who
12 knowingly provides false information on any report required by
13 this section or by rules established pursuant to this section,
14 commits a noncriminal infraction, punishable by a fine not to
15 exceed \$5,000. Such penalty is in addition to any other
16 penalty assessed by the Governor and Cabinet pursuant to
17 subsection (10).

18 Section 7. Section 112.3136, Florida Statutes, is
19 created to read:

20 112.3136 Standards of conduct for officers and
21 employees of entities serving as chief administrative officer
22 of political subdivisions.--The officers, directors, and chief
23 executive officer of a corporation, partnership, or other
24 business entity that is serving as the chief administrative or
25 executive officer or employee of a political subdivision, and
26 any employee of the business entity who is acting as the chief
27 administrative or executive officer or employee of the
28 political subdivision, are public officers and employees who
29 are subject to the following standards of conduct of this
30 part:
31

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

6 (2) Section 112.3145, as a "local officer."

7 (3) Sections 112.3148 and 112.3149, as a "reporting
8 individual."

9 Section 8. Paragraph (e) is added to subsection (1) of
10 section 112.317, Florida Statutes, to read:

11 112.317 Penalties.--

12 (1) Violation of any provision of this part,
13 including, but not limited to, any failure to file any
14 disclosures required by this part or violation of any standard
15 of conduct imposed by this part, or violation of any provision
16 of s. 8, Art. II of the State Constitution, in addition to any
17 criminal penalty or other civil penalty involved, shall, under
18 applicable constitutional and statutory procedures, constitute
19 grounds for, and may be punished by, one or more of the
20 following:

21 (e) In the case of a person who is subject to the
22 standards of this part, other than a lobbyist or lobbying firm
23 under s. 112.3215 for a violation of s. 112.3215, but who is
24 not a public officer or employee:

25 1. Public censure and reprimand.

26 2. A civil penalty not to exceed \$10,000.

27 3. Restitution of any pecuniary benefits received
28 because of the violation committed. The commission may
29 recommend that the restitution penalty be paid to the agency
30 of the person or to the General Revenue Fund.

31

1 Section 9. Paragraph (d) of subsection (8) of section
2 112.324, Florida Statutes, is amended to read:

3 112.324 Procedures on complaints of violations; public
4 records and meeting exemptions.--

5 (8) If, in cases pertaining to complaints other than
6 complaints against impeachable officers or members of the
7 Legislature, upon completion of a full and final investigation
8 by the commission, the commission finds that there has been a
9 violation of this part or of s. 8, Art. II of the State
10 Constitution, it shall be the duty of the commission to report
11 its findings and recommend appropriate action to the proper
12 disciplinary official or body as follows, and such official or
13 body shall have the power to invoke the penalty provisions of
14 this part, including the power to order the appropriate
15 elections official to remove a candidate from the ballot for a
16 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
17 State Constitution:

18 (d) Except as otherwise provided by this part, the
19 Governor, in the case of any other public officer, public
20 employee, former public officer or public employee, candidate,
21 or former candidate, or person who is not a public officer or
22 employee, other than lobbyists and lobbying firms under s.
23 112.3215 for violations of 112.3215.

24 Section 10. Paragraph (a) of subsection (5) of section
25 411.01, Florida Statutes, is amended to read:

26 411.01 School readiness programs; early learning
27 coalitions.--

28 (5) CREATION OF EARLY LEARNING COALITIONS.--

29 (a) Early learning coalitions.--

30 1. The Agency for Workforce Innovation shall establish
31 the minimum number of children to be served by each early

1 learning coalition through the coalition's school readiness
2 program. The Agency for Workforce Innovation may only approve
3 school readiness plans in accordance with this minimum number.
4 The minimum number must be uniform for every early learning
5 coalition and must:

6 a. Permit 30 or fewer coalitions to be established;
7 and

8 b. Require each coalition to serve at least 2,000
9 children based upon the average number of all children served
10 per month through the coalition's school readiness program
11 during the previous 12 months.

12
13 The Agency for Workforce Innovation shall adopt procedures for
14 merging early learning coalitions, including procedures for
15 the consolidation of merging coalitions, and for the early
16 termination of the terms of coalition members which are
17 necessary to accomplish the mergers. Each early learning
18 coalition must comply with the merger procedures and shall be
19 organized in accordance with this subparagraph by April 1,
20 2005. By June 30, 2005, each coalition must complete the
21 transfer of powers, duties, functions, rules, records,
22 personnel, property, and unexpended balances of
23 appropriations, allocations, and other funds to the successor
24 coalition, if applicable.

25 2. If an early learning coalition would serve fewer
26 children than the minimum number established under
27 subparagraph 1., the coalition must merge with another county
28 to form a multicounty coalition. However, the Agency for
29 Workforce Innovation may authorize an early learning coalition
30 to serve fewer children than the minimum number established
31 under subparagraph 1., if:

1 a. The coalition demonstrates to the Agency for
2 Workforce Innovation that merging with another county or
3 multicounty region contiguous to the coalition would cause an
4 extreme hardship on the coalition;

5 b. The Agency for Workforce Innovation has determined
6 during the most recent annual review of the coalition's school
7 readiness plan, or through monitoring and performance
8 evaluations conducted under paragraph (4)(1), that the
9 coalition has substantially implemented its plan and
10 substantially met the performance standards and outcome
11 measures adopted by the agency; and

12 c. The coalition demonstrates to the Agency for
13 Workforce Innovation the coalition's ability to effectively
14 and efficiently implement the Voluntary Prekindergarten
15 Education Program.

16
17 If an early learning coalition fails or refuses to merge as
18 required by this subparagraph, the Agency for Workforce
19 Innovation may dissolve the coalition and temporarily contract
20 with a qualified entity to continue school readiness and
21 prekindergarten services in the coalition's county or
22 multicounty region until the coalition is reestablished
23 through resubmission of a school readiness plan and approval
24 by the agency.

25 3. Notwithstanding the provisions of subparagraphs 1.
26 and 2., the early learning coalitions in Sarasota, Osceola,
27 and Santa Rosa Counties which were in operation on January 1,
28 2005, are established and authorized to continue operation as
29 independent coalitions, and shall not be counted within the
30 limit of 30 coalitions established in subparagraph 1.

31

1 4. Each early learning coalition shall be composed of
2 at least 18 members but not more than 35 members. The Agency
3 for Workforce Innovation shall adopt standards establishing
4 within this range the minimum and maximum number of members
5 that may be appointed to an early learning coalition. These
6 standards must include variations for a coalition serving a
7 multicounty region. Each early learning coalition must comply
8 with these standards.

9 5. The Governor shall appoint the chair and two other
10 members of each early learning coalition, who must each meet
11 the same qualifications as private sector business members
12 appointed by the coalition under subparagraph 7.

13 6. Each early learning coalition must include the
14 following members:

15 a. A Department of Children and Family Services
16 district administrator or his or her designee who is
17 authorized to make decisions on behalf of the department.

18 b. A district superintendent of schools or his or her
19 designee who is authorized to make decisions on behalf of the
20 district, who shall be a nonvoting member.

21 c. A regional workforce board executive director or
22 his or her designee.

23 d. A county health department director or his or her
24 designee.

25 e. A children's services council or juvenile welfare
26 board chair or executive director, if applicable, who shall be
27 a nonvoting member if the council or board is the fiscal agent
28 of the coalition or if the council or board contracts with and
29 receives funds from the coalition.

30 f. An agency head of a local licensing agency as
31 defined in s. 402.302, where applicable.

1 g. A president of a community college or his or her
2 designee.

3 h. One member appointed by a board of county
4 commissioners.

5 i. A central agency administrator, where applicable,
6 who shall be a nonvoting member.

7 j. A Head Start director, who shall be a nonvoting
8 member.

9 k. A representative of private child care providers,
10 including family day care homes, who shall be a nonvoting
11 member.

12 l. A representative of faith-based child care
13 providers, who shall be a nonvoting member.

14 m. A representative of programs for children with
15 disabilities under the federal Individuals with Disabilities
16 Education Act, who shall be a nonvoting member.

17 7. Including the members appointed by the Governor
18 under subparagraph 5., more than one-third of the members of
19 each early learning coalition must be private sector business
20 members who do not have, and none of whose relatives as
21 defined in s. 112.3143 has, a substantial financial interest
22 in the design or delivery of the Voluntary Prekindergarten
23 Education Program created under part V of chapter 1002 or the
24 coalition's school readiness program. To meet this requirement
25 an early learning coalition must appoint additional members
26 from a list of nominees submitted to the coalition by a
27 chamber of commerce or economic development council within the
28 geographic region served by the coalition. The Agency for
29 Workforce Innovation shall establish criteria for appointing
30 private sector business members. These criteria must include
31 standards for determining whether a member or relative has a

1 substantial financial interest in the design or delivery of
2 the Voluntary Prekindergarten Education Program or the
3 coalition's school readiness program.

4 8. A majority of the voting membership of an early
5 learning coalition constitutes a quorum required to conduct
6 the business of the coalition.

7 9. A voting member of an early learning coalition may
8 not appoint a designee to act in his or her place, except as
9 otherwise provided in this paragraph. A voting member may send
10 a representative to coalition meetings, but that
11 representative does not have voting privileges. When a
12 district administrator for the Department of Children and
13 Family Services appoints a designee to an early learning
14 coalition, the designee is the voting member of the coalition,
15 and any individual attending in the designee's place,
16 including the district administrator, does not have voting
17 privileges.

18 10. Each member of an early learning coalition is
19 subject to ss. 112.313, 112.3135, and 112.3143. For purposes
20 of s. 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is
21 a local public officer who must abstain from voting when a
22 voting conflict exists.

23 11. For purposes of tort liability, each member or
24 employee of an early learning coalition shall be governed by
25 s. 768.28.

26 12. An early learning coalition serving a multicounty
27 region must include representation from each county.

28 13. Each early learning coalition shall establish
29 terms for all appointed members of the coalition. The terms
30 must be staggered and must be a uniform length that does not
31 exceed 4 years per term. Appointed members may serve a maximum

1 of two consecutive terms. When a vacancy occurs in an
2 appointed position, the coalition must advertise the vacancy.

3 Section 11. This act shall take effect January 1,
4 2008.

5
6 *****

7 SENATE SUMMARY

8 Revises various provisions of the code of ethics for
9 public officers and employees. Redefines the term
10 "business entity" to include a company. Requires that a
11 state or local public officer disclose the known
12 interests of his or her principals, relatives, or
13 business associates when voting in an official capacity.
14 Redefines the term "local officer" to include an
15 appointed member of the board of a community
16 redevelopment agency, a finance director of a local
17 government, and a special master for a political
18 subdivision. Redefines the term "procurement employee" to
19 revise the types of employees included within that
20 definition. Prohibits a reporting individual or
21 procurement employee from soliciting a gift, or accepting
22 a gift in excess of a specified value, from a vendor
23 doing business with the individual's or employee's
24 agency. Prohibits the vendor from making such a gift to
25 such individual or employee. Requires that the Ethics
26 Commission investigate prohibited expenditures. Provides
27 for the investigation of lobbyists and principals under
28 certain circumstances. Requires that a fine be assessed
29 against a person who fails to provide required
30 information or who provides false information. Provides
31 standards of conduct for officers and employees of
entities serving as the chief administrative officer of a
political subdivision. (See bill for details.)