

29 | the officer's principal is an agency as defined in s.
30 | 112.312(2), F.S.; revising the disclosure requirements for
31 | a local officer when prohibited from voting; prohibiting a
32 | local officer from participating in any matter involving
33 | special gain or loss to certain parties unless such
34 | interest in the matter is disclosed; providing
35 | requirements for making the disclosure; amending s.
36 | 112.3145, F.S.; redefining the term "local officer" to
37 | include an appointed member of the board of a community
38 | redevelopment agency and a finance director of a local
39 | government or other political subdivision; requiring a
40 | financial interest statement to show the statutory method
41 | used to disclose a reporting individual's financial
42 | interests; amending s. 112.3148, F.S.; redefining the term
43 | "procurement employee"; defining the term "vendor";
44 | prohibiting a reporting individual or procurement employee
45 | from soliciting a gift from certain vendors; prohibiting
46 | such individual or employee from knowingly accepting a
47 | gift in excess of a specified value from certain vendors;
48 | prohibiting certain vendors from making such a gift to
49 | such individual or employee; amending s. 112.3149, F.S.;
50 | redefining the term "procurement employee"; defining the
51 | term "vendor"; prohibiting a reporting individual or
52 | procurement employee from knowingly accepting an
53 | honorarium from certain vendors; prohibiting certain
54 | vendors from giving an honorarium to such individual or
55 | employee; amending s. 112.3215, F.S.; requiring the Ethics
56 | Commission to investigate complaints alleging prohibited

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57 expenditures; providing for the investigation of lobbyists
58 and principals under certain circumstances; providing
59 penalties for failure to provide required information or
60 providing false information; creating s. 112.3136, F.S.;
61 specifying standards of conduct for officers and employees
62 of entities serving as the chief administrative officer of
63 a political subdivision; amending s. 112.317, F.S.;
64 providing for penalties to be imposed against persons
65 other than lobbyists or public officers and employees;
66 amending s. 112.324, F.S.; providing for the commission to
67 report to the Governor violations involving persons other
68 than lobbyists or public officers and employees; amending
69 s. 411.01, F.S., relating to school readiness programs;
70 conforming a cross-reference; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Subsection (5) of section 112.312, Florida
75 Statutes, is amended to read:

76 112.312 Definitions.--As used in this part and for
77 purposes of the provisions of s. 8, Art. II of the State
78 Constitution, unless the context otherwise requires:

79 (5) "Business entity" means any corporation, company,
80 partnership, limited partnership, proprietorship, firm,
81 enterprise, franchise, association, self-employed individual, or
82 trust, whether fictitiously named or not, doing business in this
83 state.

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84 Section 2. Paragraph (d) is added to subsection (16) of
 85 section 112.313, Florida Statutes, to read:

86 112.313 Standards of conduct for public officers,
 87 employees of agencies, and local government attorneys.--

88 (16) LOCAL GOVERNMENT ATTORNEYS.--

89 (d) If a public officer or employee seeks advice from the
 90 local government attorney regarding the officer's or employee's
 91 compliance with any standard of conduct, voting provision,
 92 disclosure requirement, or other provision of this part or s. 8,
 93 Art. II of the State Constitution, the local government attorney
 94 shall advise the officer or employee that the local government
 95 attorney is the attorney for the unit of local government and is
 96 not the officer's or employee's attorney; that, in addition to
 97 or in place of advice on the ethics matter from the local
 98 government attorney, the officer or employee should seek advice
 99 on the ethics matter from the commission; and that the officer
 100 or employee may be penalized in a proceeding relating to an
 101 ethics complaint notwithstanding the fact that the officer or
 102 employee sought the advice of the local government attorney on
 103 the ethics matter. Failure to provide such advice does not
 104 constitute a violation of this part and is not punishable under
 105 s. 112.317.

106 Section 3. Paragraph (a) of subsection (2) of section
 107 112.3135, Florida Statutes, is amended to read:

108 112.3135 Restriction on employment of relatives.--

109 (2) (a) A public official may not appoint, employ, promote,
 110 or advance, or advocate for appointment, employment, promotion,
 111 or advancement, in or to a position in the agency in which the

112 official is serving or over which the official, or collegial
 113 body of which the official is a member, exercises jurisdiction
 114 or control, any individual who is a relative of the public
 115 official. An individual who is a relative of a public official
 116 is not eligible for appointment, employment, promotion, or
 117 advancement ~~may not be appointed, employed, promoted, or~~
 118 ~~advanced~~ in or to a position in an agency in which the official
 119 is serving or over which the official, or the collegial body of
 120 which the official is a member, exercises jurisdiction or
 121 control. If a prohibited appointment, employment, promotion, or
 122 advancement occurs, both the official and the individual shall
 123 be subject to penalties under s. 112.317; however, if the
 124 appointment, employment, promotion, or advancement is made by
 125 the collegial body of which the official is a member without the
 126 official's participation, only the individual shall be subject
 127 to penalties under s. 112.317. ~~if such appointment, employment,~~
 128 ~~promotion, or advancement has been advocated by a public~~
 129 ~~official, serving in or exercising jurisdiction or control over~~
 130 ~~the agency, who is a relative of the individual or if such~~
 131 ~~appointment, employment, promotion, or advancement is made by a~~
 132 ~~collegial body of which a relative of the individual is a~~
 133 ~~member. However, This subsection does shall not apply to~~
 134 ~~appointments to boards other than those with land-planning or~~
 135 ~~zoning responsibilities in those municipalities with less than~~
 136 ~~35,000 population. This subsection does not apply to persons~~
 137 ~~serving in a volunteer capacity who provide emergency medical,~~
 138 ~~firefighting, or police services. Such persons may receive,~~
 139 ~~without losing their volunteer status, reimbursements for the~~

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140 costs of any training they get relating to the provision of
 141 volunteer emergency medical, firefighting, or police services
 142 and payment for any incidental expenses relating to those
 143 services that they provide.

144 Section 4. Section 112.3143, Florida Statutes, is amended
 145 to read:

146 112.3143 Voting conflicts.--

147 (1) As used in this section:

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

151 (b) "Relative" means any father, mother, son, daughter,
 152 husband, wife, brother, sister, father-in-law, mother-in-law,
 153 son-in-law, or daughter-in-law.

154 (2) A ~~Ne~~ state public officer is not prohibited from
 155 voting in an official capacity on any matter. However, any state
 156 public officer voting in an official capacity upon any measure
 157 that ~~which~~ would inure to the officer's special private gain or
 158 loss; that ~~which~~ he or she knows would inure to the special
 159 private gain or loss of any principal by whom the officer is
 160 retained or to the parent organization, sibling, or subsidiary
 161 of a corporate principal by which the officer is retained, other
 162 than an agency as defined in s. 112.312(2); or that ~~which~~ the
 163 officer knows would inure to the special private gain or loss of
 164 a relative or business associate of the public officer shall,
 165 within 15 days after the vote occurs, disclose the nature of all
 166 of his or her interests in the matter, and disclose the nature
 167 of all of the interests of his or her principals, relatives, or

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168 business associates which are known to him or her, ~~his or her~~
169 ~~interest~~ as a public record in a memorandum filed with the
170 person responsible for recording the minutes of the meeting, who
171 shall incorporate the memorandum in the minutes.

172 (3) An appointed state public officer may not participate
173 in any matter that would inure to the officer's special private
174 gain or loss; that the officer knows would inure to the special
175 private gain or loss of any principal by whom he or she is
176 retained or to the parent organization, sibling, or subsidiary
177 of a corporate principal by which he or she is retained, other
178 than an agency as defined in s. 112.312(2); or that he or she
179 knows would inure to the special private gain or loss of a
180 relative or business associate of the public officer, without
181 first disclosing the nature of his or her interest in the
182 matter.

183 (a) Such disclosure, indicating the nature of all of his
184 or her interests in the matter and disclosing the nature of all
185 of the interests of the principals, relatives, or business
186 associates which are known to him or her, shall be made in a
187 written memorandum and filed with the person responsible for
188 recording the minutes of the meeting before the meeting in which
189 consideration of the matter will take place, and shall be
190 incorporated into the minutes. Any such memorandum becomes a
191 public record upon filing, shall immediately be provided to the
192 other members of the agency, and shall be read publicly at the
193 next meeting held subsequent to the filing of this written
194 memorandum.

195 (b) If disclosure is not made before the meeting or if any
 196 conflict is unknown before the meeting, the disclosure shall be
 197 made orally at the meeting when it becomes known that a conflict
 198 exists. The written memorandum disclosing the nature of the
 199 conflict must be filed with the person responsible for recording
 200 the minutes of the meeting within 15 days after the oral
 201 disclosure and shall be incorporated into the minutes of the
 202 meeting at which the oral disclosure was made. Any such
 203 memorandum becomes a public record upon filing, shall
 204 immediately be provided to the other members of the agency, and
 205 shall be read publicly at the next meeting held subsequent to
 206 the filing of this written memorandum.

207 (4)-(3)(a) A ~~No~~ county, municipal, or other local public
 208 officer may not ~~shall~~ vote in an official capacity upon any
 209 measure that ~~which~~ would inure to his or her special private
 210 gain or loss; that ~~which~~ he or she knows would inure to the
 211 special private gain or loss of any principal by whom he or she
 212 is retained or to the parent organization, sibling, or
 213 subsidiary of a corporate principal by which he or she is
 214 retained, other than an agency as defined in s. 112.312(2); or
 215 that ~~which~~ he or she knows would inure to the special private
 216 gain or loss of a relative or business associate of the public
 217 officer. Such public officer shall, before ~~prior to~~ the vote is
 218 ~~being~~ taken, publicly state to the assembly the nature of all of
 219 the officer's interests ~~interest~~ in the matter, and all of the
 220 interests in the matter of his or her principals, relatives, or
 221 business associates which are known to him or her, from which he
 222 or she is abstaining from voting and, within 15 days after the

223 vote occurs, disclose the nature of all of his or her interests
 224 in the matter, and disclose the nature of all of the interests
 225 of his or her principals, relatives, or business associates
 226 which are known to him or her, ~~his or her interest~~ as a public
 227 record in a memorandum filed with the person responsible for
 228 recording the minutes of the meeting, who shall incorporate the
 229 memorandum in the minutes.

230 (b) However, a commissioner of a community redevelopment
 231 agency created or designated pursuant to s. 163.356 or s.
 232 163.357, or an officer of an independent special tax district
 233 elected on a one-acre, one-vote basis, is not prohibited from
 234 voting, when voting in that ~~said~~ capacity.

235 ~~(4) No appointed public officer shall participate in any~~
 236 ~~matter which would inure to the officer's special private gain~~
 237 ~~or loss; which the officer knows would inure to the special~~
 238 ~~private gain or loss of any principal by whom he or she is~~
 239 ~~retained or to the parent organization or subsidiary of a~~
 240 ~~corporate principal by which he or she is retained; or which he~~
 241 ~~or she knows would inure to the special private gain or loss of~~
 242 ~~a relative or business associate of the public officer, without~~
 243 ~~first disclosing the nature of his or her interest in the~~
 244 ~~matter.~~

245 ~~(a) Such disclosure, indicating the nature of the~~
 246 ~~conflict, shall be made in a written memorandum filed with the~~
 247 ~~person responsible for recording the minutes of the meeting,~~
 248 ~~prior to the meeting in which consideration of the matter will~~
 249 ~~take place, and shall be incorporated into the minutes. Any such~~
 250 ~~memorandum shall become a public record upon filing, shall~~

251 ~~immediately be provided to the other members of the agency, and~~
252 ~~shall be read publicly at the next meeting held subsequent to~~
253 ~~the filing of this written memorandum.~~

254 ~~(b) In the event that disclosure has not been made prior~~
255 ~~to the meeting or that any conflict is unknown prior to the~~
256 ~~meeting, the disclosure shall be made orally at the meeting when~~
257 ~~it becomes known that a conflict exists. A written memorandum~~
258 ~~disclosing the nature of the conflict shall then be filed within~~
259 ~~15 days after the oral disclosure with the person responsible~~
260 ~~for recording the minutes of the meeting and shall be~~
261 ~~incorporated into the minutes of the meeting at which the oral~~
262 ~~disclosure was made. Any such memorandum shall become a public~~
263 ~~record upon filing, shall immediately be provided to the other~~
264 ~~members of the agency, and shall be read publicly at the next~~
265 ~~meeting held subsequent to the filing of this written~~
266 ~~memorandum.~~

267 (5) A county, municipal, or other local public officer may
268 not participate in any matter that would inure to the officer's
269 special private gain or loss; that the officer knows would inure
270 to the special private gain or loss of any principal by whom he
271 or she is retained or to the parent organization, sibling, or
272 subsidiary of a corporate principal by which he or she is
273 retained, other than an agency as defined in s. 112.312(2); or
274 that he or she knows would inure to the special private gain or
275 loss of a relative or business associate of the public officer,
276 without first disclosing the nature of his or her interest in
277 the matter.

278 (a) Such disclosure, indicating the nature of all of his
279 or her interests in the matter and disclosing the nature of all
280 of the interests of the principals, relatives, or business
281 associates which are known to him or her, shall be made in a
282 written memorandum and filed with the person responsible for
283 recording the minutes of the meeting before the meeting in which
284 consideration of the matter will take place, and shall be
285 incorporated into the minutes. Any such memorandum becomes a
286 public record upon filing, shall immediately be provided to the
287 other members of the agency, and shall be read publicly at the
288 next meeting held subsequent to the filing of this written
289 memorandum.

290 (b) If disclosure is not made before the meeting or if any
291 conflict is unknown before the meeting, the disclosure shall be
292 made orally at the meeting when it becomes known that a conflict
293 exists. The written memorandum disclosing the nature of the
294 conflict must be filed with the person responsible for recording
295 the minutes of the meeting within 15 days after the oral
296 disclosure and shall be incorporated into the minutes of the
297 meeting at which the oral disclosure was made. Any such
298 memorandum becomes a public record upon filing, shall
299 immediately be provided to the other members of the agency, and
300 shall be read publicly at the next meeting held subsequent to
301 the filing of this written memorandum.

302 (6)(e) For purposes of this section ~~subsection~~, the term
303 "participate" means any attempt to influence the decision by
304 oral or written communication, whether made by the officer or at
305 the officer's direction.

306 (7)~~(5)~~ Whenever a public officer or former public officer
 307 is being considered for appointment or reappointment to public
 308 office, the appointing body shall consider the number and nature
 309 of the memoranda of conflict previously filed under this section
 310 by the ~~said~~ officer.

311 Section 5. Paragraph (a) of subsection (1) and subsection
 312 (3) of section 112.3145, Florida Statutes, are amended to read:

313 112.3145 Disclosure of financial interests and clients
 314 represented before agencies.--

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

317 (a) "Local officer" means:

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

321 2. Any appointed member of any of the following boards,
 322 councils, commissions, authorities, or other bodies of any
 323 county, municipality, school district, independent special
 324 district, or other political subdivision of the state:

325 a. The governing body of the political subdivision, if
 326 appointed;

327 b. An expressway authority or transportation authority
 328 established by general law;

329 c. A community college or junior college district board of
 330 trustees;

331 d. A board having the power to enforce local code
 332 provisions;

333 e. A planning or zoning board, board of adjustment, board
 334 of appeals, community redevelopment agency board, or other board
 335 having the power to recommend, create, or modify land planning
 336 or zoning within the political subdivision, except for citizen
 337 advisory committees, technical coordinating committees, and such
 338 other groups who only have the power to make recommendations to
 339 planning or zoning boards;

340 f. A pension board or retirement board having the power to
 341 invest pension or retirement funds or the power to make a
 342 binding determination of one's entitlement to or amount of a
 343 pension or other retirement benefit; or

344 g. Any other appointed member of a local government board
 345 who is required to file a statement of financial interests by
 346 the appointing authority or the enabling legislation, ordinance,
 347 or resolution creating the board.

348 3. Any person holding one or more of the following
 349 positions: mayor; county or city manager; chief administrative
 350 employee of a county, municipality, or other political
 351 subdivision; county or municipal attorney; finance director of a
 352 county, municipality, or other political subdivision; chief
 353 county or municipal building code inspector; county or municipal
 354 water resources coordinator; county or municipal pollution
 355 control director; county or municipal environmental control
 356 director; county or municipal administrator, with power to grant
 357 or deny a land development permit; chief of police; fire chief;
 358 municipal clerk; district school superintendent; community
 359 college president; district medical examiner; or purchasing
 360 agent having the authority to make any purchase exceeding the

361 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 362 behalf of any political subdivision of the state or any entity
 363 thereof.

364 (3) The statement of financial interests for state
 365 officers, specified state employees, local officers, and persons
 366 seeking to qualify as candidates for state or local office shall
 367 be filed even if the reporting person holds no financial
 368 interests requiring disclosure, in which case the statement
 369 shall be marked "not applicable." Otherwise, the statement of
 370 financial interests shall include, at the filer's option,
 371 either:

372 (a)1. All sources of income in excess of 5 percent of the
 373 gross income received during the disclosure period by the person
 374 in his or her own name or by any other person for his or her use
 375 or benefit, excluding public salary. However, this shall not be
 376 construed to require disclosure of a business partner's sources
 377 of income. The person reporting shall list such sources in
 378 descending order of value with the largest source first;

379 2. All sources of income to a business entity in excess of
 380 10 percent of the gross income of a business entity in which the
 381 reporting person held a material interest and from which he or
 382 she received an amount which was in excess of 10 percent of his
 383 or her gross income during the disclosure period and which
 384 exceeds \$1,500. The period for computing the gross income of the
 385 business entity is the fiscal year of the business entity which
 386 ended on, or immediately prior to, the end of the disclosure
 387 period of the person reporting;

388 3. The location or description of real property in this
 389 state, except for residences and vacation homes, owned directly
 390 or indirectly by the person reporting, when such person owns in
 391 excess of 5 percent of the value of such real property, and a
 392 general description of any intangible personal property worth in
 393 excess of 10 percent of such person's total assets. For the
 394 purposes of this paragraph, indirect ownership does not include
 395 ownership by a spouse or minor child; and

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

398 (b)1. All sources of gross income in excess of \$2,500
 399 received during the disclosure period by the person in his or
 400 her own name or by any other person for his or her use or
 401 benefit, excluding public salary. However, this shall not be
 402 construed to require disclosure of a business partner's sources
 403 of income. The person reporting shall list such sources in
 404 descending order of value with the largest source first;

405 2. All sources of income to a business entity in excess of
 406 10 percent of the gross income of a business entity in which the
 407 reporting person held a material interest and from which he or
 408 she received gross income exceeding \$5,000 during the disclosure
 409 period. The period for computing the gross income of the
 410 business entity is the fiscal year of the business entity which
 411 ended on, or immediately prior to, the end of the disclosure
 412 period of the person reporting;

413 3. The location or description of real property in this
 414 state, except for residence and vacation homes, owned directly
 415 or indirectly by the person reporting, when such person owns in

416 excess of 5 percent of the value of such real property, and a
 417 general description of any intangible personal property worth in
 418 excess of \$10,000. For the purpose of this paragraph, indirect
 419 ownership does not include ownership by a spouse or minor child;
 420 and

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

422
 423 A person filing a statement of financial interests shall
 424 indicate on the statement whether he or she is using the method
 425 specified in paragraph (a) or the method specified in paragraph
 426 (b).

427 Section 6. Paragraph (e) of subsection (2), subsections
 428 (3) and (4), and paragraph (a) of subsection (5) of section
 429 112.3148, Florida Statutes, are amended, and paragraph (f) is
 430 added to subsection (2) of that section, to read:

431 112.3148 Reporting and prohibited receipt of gifts by
 432 individuals filing full or limited public disclosure of
 433 financial interests and by procurement employees.--

434 (2) As used in this section:

435 (e) "Procurement employee" means any employee of an
 436 officer, department, board, commission, ~~or~~ council, or agency of
 437 the executive branch or judicial branch of state government who
 438 has participated in the preceding 12 months ~~participates~~ through
 439 decision, approval, disapproval, recommendation, preparation of
 440 any part of a purchase request, influencing the content of any
 441 specification or procurement standard, rendering of advice,
 442 investigation, or auditing or in any other advisory capacity in
 443 the procurement of contractual services or commodities as

444 defined in s. 287.012, if the cost of such services or
 445 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

446 (f) "Vendor" means a business entity doing business
 447 directly with an agency, such as renting, leasing, or selling
 448 any realty, goods, or services.

449 (3) A reporting individual or procurement employee is
 450 prohibited from soliciting any gift from a political committee
 451 or committee of continuous existence, as defined in s. 106.011,
 452 from a vendor doing business with the reporting individual's or
 453 procurement employee's agency, or from a lobbyist who lobbies
 454 the reporting individual's or procurement employee's agency, or
 455 the partner, firm, employer, or principal of such lobbyist,
 456 where such gift is for the personal benefit of the reporting
 457 individual or procurement employee, another reporting individual
 458 or procurement employee, or any member of the immediate family
 459 of a reporting individual or procurement employee.

460 (4) A reporting individual or procurement employee or any
 461 other person on his or her behalf is prohibited from knowingly
 462 accepting, directly or indirectly, a gift from a political
 463 committee or committee of continuous existence, as defined in s.
 464 106.011, from a vendor doing business with the reporting
 465 individual's or procurement employee's agency, or from a
 466 lobbyist who lobbies the reporting individual's or procurement
 467 employee's agency, or directly or indirectly on behalf of the
 468 partner, firm, employer, or principal of a lobbyist, if he or
 469 she knows or reasonably believes that the gift has a value in
 470 excess of \$100; however, such a gift may be accepted by such
 471 person on behalf of a governmental entity or a charitable

472 organization. If the gift is accepted on behalf of a
 473 governmental entity or charitable organization, the person
 474 receiving the gift shall not maintain custody of the gift for
 475 any period of time beyond that reasonably necessary to arrange
 476 for the transfer of custody and ownership of the gift.

477 (5) (a) A political committee or a committee of continuous
 478 existence, as defined in s. 106.011; a vendor doing business
 479 with the reporting individual's or procurement employee's
 480 agency; a lobbyist who lobbies a reporting individual's or
 481 procurement employee's agency; the partner, firm, employer, or
 482 principal of a lobbyist; or another on behalf of the lobbyist or
 483 partner, firm, principal, or employer of the lobbyist is
 484 prohibited from giving, either directly or indirectly, a gift
 485 that has a value in excess of \$100 to the reporting individual
 486 or procurement employee or any other person on his or her
 487 behalf; however, such person may give a gift having a value in
 488 excess of \$100 to a reporting individual or procurement employee
 489 if the gift is intended to be transferred to a governmental
 490 entity or a charitable organization.

491 Section 7. Paragraph (e) of subsection (1) and subsections
 492 (3) and (4) of section 112.3149, Florida Statutes, are amended,
 493 and paragraph (f) is added to subsection (1) of that section, to
 494 read:

495 112.3149 Solicitation and disclosure of honoraria.--

496 (1) As used in this section:

497 (e) "Procurement employee" means any employee of an
 498 officer, department, board, commission, ~~or~~ council, or agency of
 499 the executive branch or judicial branch of state government who

500 has participated in the preceding 12 months ~~participates~~ through
 501 decision, approval, disapproval, recommendation, preparation of
 502 any part of a purchase request, influencing the content of any
 503 specification or procurement standard, rendering of advice,
 504 investigation, or auditing or in any other advisory capacity in
 505 the procurement of contractual services or commodities as
 506 defined in s. 287.012, if the cost of such services or
 507 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

508 (f) "Vendor" means a business entity doing business
 509 directly with an agency, such as renting, leasing, or selling
 510 any realty, goods, or services.

511 (3) A reporting individual or procurement employee is
 512 prohibited from knowingly accepting an honorarium from a
 513 political committee or committee of continuous existence, as
 514 defined in s. 106.011, from a vendor doing business with the
 515 reporting individual's or procurement employee's agency, from a
 516 lobbyist who lobbies the reporting individual's or procurement
 517 employee's agency, or from the employer, principal, partner, or
 518 firm of such a lobbyist.

519 (4) A political committee or committee of continuous
 520 existence, as defined in s. 106.011, a vendor doing business
 521 with the reporting individual's or procurement employee's
 522 agency, a lobbyist who lobbies a reporting individual's or
 523 procurement employee's agency, or the employer, principal,
 524 partner, or firm of such a lobbyist is prohibited from giving an
 525 honorarium to a reporting individual or procurement employee.

526 Section 8. Subsection (8) of section 112.3215, Florida
 527 Statutes, is amended, present subsections (11), (12), (13), and

528 (14) of that section are redesignated as subsections (12), (13),
 529 (14), and (15), respectively, and a new subsection (11) is added
 530 to that section, to read:

531 112.3215 Lobbying before the executive branch or the
 532 Constitution Revision Commission; registration and reporting;
 533 investigation by commission.--

534 (8) (a) The commission shall investigate every sworn
 535 complaint that is filed with it alleging that a person covered
 536 by this section has failed to register, has failed to submit a
 537 compensation report, has made a prohibited expenditure, or has
 538 knowingly submitted false information in any report or
 539 registration required in this section.

540 (b) All proceedings, the complaint, and other records
 541 relating to the investigation are confidential and exempt from
 542 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 543 Constitution, and any meetings held pursuant to an investigation
 544 are exempt from the provisions of s. 286.011(1) and s. 24(b),
 545 Art. I of the State Constitution either until the alleged
 546 violator requests in writing that such investigation and
 547 associated records and meetings be made public or until the
 548 commission determines, based on the investigation, whether
 549 probable cause exists to believe that a violation has occurred.

550 (c) The commission shall investigate any lobbying firm,
 551 lobbyist, principal, agency, officer, or employee upon receipt
 552 of information from a sworn complaint or from a random audit of
 553 lobbying reports indicating a possible violation other than a
 554 late-filed report.

555 (d) Records relating to an audit conducted pursuant to

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556 | this section or an investigation conducted pursuant to this
557 | section or s. 112.32155 are confidential and exempt from s.
558 | 119.07(1) and s. 24(a), Art. I of the State Constitution, and
559 | any meetings held pursuant to such an investigation or at which
560 | such an audit is discussed are exempt from s. 286.011 and s.
561 | 24(b), Art. I of the State Constitution either until the
562 | lobbying firm requests in writing that such investigation and
563 | associated records and meetings be made public or until the
564 | commission determines there is probable cause that the audit
565 | reflects a violation of the reporting laws. This paragraph is
566 | subject to the Open Government Sunset Review Act in accordance
567 | with s. 119.15 and shall stand repealed on October 2, 2011,
568 | unless reviewed and saved from repeal through reenactment by the
569 | Legislature.

570 | (11) Any person who is required to be registered or to
571 | provide information under this section or under rules adopted
572 | pursuant to this section and who knowingly fails to disclose any
573 | material fact that is required by this section or by rules
574 | adopted pursuant to this section, or who knowingly provides
575 | false information on any report required by this section or by
576 | rules adopted pursuant to this section, commits a noncriminal
577 | infraction, punishable by a fine not to exceed \$5,000. Such
578 | penalty is in addition to any other penalty assessed by the
579 | Governor and Cabinet pursuant to subsection (10).

580 | Section 9. Section 112.3136, Florida Statutes, is created
581 | to read:

582 | 112.3136 Standards of conduct for officers and employees
583 | of entities serving as chief administrative officer of political

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584 subdivisions.--The officers, directors, and chief executive
585 officer of a corporation, partnership, or other business entity
586 that is serving as the chief administrative or executive officer
587 or employee of a political subdivision, and any business entity
588 employee who is acting as the chief administrative or executive
589 officer or employee of the political subdivision, shall be
590 treated as public officers and employees for the purpose of the
591 following sections:

592 (1) Section 112.313, and their "agency" is the political
593 subdivision that they serve; however, the contract under which
594 the business entity serves as chief executive or administrative
595 officer of the political subdivision is not deemed to violate s.
596 112.313(3).

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

598 (3) Sections 112.3148 and 112.3149, as a "reporting
599 individual."

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

602 112.317 Penalties.--

603 (1) Violation of any provision of this part, including,
604 but not limited to, any failure to file any disclosures required
605 by this part or violation of any standard of conduct imposed by
606 this part, or violation of any provision of s. 8, Art. II of the
607 State Constitution, in addition to any criminal penalty or other
608 civil penalty involved, shall, under applicable constitutional
609 and statutory procedures, constitute grounds for, and may be
610 punished by, one or more of the following:

611 (e) In the case of a person who is subject to the

612 standards of this part, other than a lobbyist or lobbying firm
 613 under s. 112.3215 for a violation of s. 112.3215, but who is not
 614 a public officer or employee:

- 615 1. Public censure and reprimand.
- 616 2. A civil penalty not to exceed \$10,000.
- 617 3. Restitution of any pecuniary benefits received because
 618 of the violation committed. The commission may recommend that
 619 the restitution penalty be paid to the agency of the person or
 620 to the General Revenue Fund.

621 Section 11. Paragraph (d) of subsection (8) of section
 622 112.324, Florida Statutes, is amended to read:

623 112.324 Procedures on complaints of violations; public
 624 records and meeting exemptions.--

625 (8) If, in cases pertaining to complaints other than
 626 complaints against impeachable officers or members of the
 627 Legislature, upon completion of a full and final investigation
 628 by the commission, the commission finds that there has been a
 629 violation of this part or of s. 8, Art. II of the State
 630 Constitution, it shall be the duty of the commission to report
 631 its findings and recommend appropriate action to the proper
 632 disciplinary official or body as follows, and such official or
 633 body shall have the power to invoke the penalty provisions of
 634 this part, including the power to order the appropriate
 635 elections official to remove a candidate from the ballot for a
 636 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 637 State Constitution:

638 (d) Except as otherwise provided by this part, the
 639 Governor, in the case of any other public officer, public

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640 employee, former public officer or public employee, candidate,
 641 or former candidate, or person who is not a public officer or
 642 employee, other than lobbyists and lobbying firms under s.
 643 112.3215 for violations of s. 112.3215.

644 Section 12. Paragraph (a) of subsection (5) of section
 645 411.01, Florida Statutes, is amended to read:

646 411.01 School readiness programs; early learning
 647 coalitions.--

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

649 (a) Early learning coalitions.--

650 1. The Agency for Workforce Innovation shall establish the
 651 minimum number of children to be served by each early learning
 652 coalition through the coalition's school readiness program. The
 653 Agency for Workforce Innovation may only approve school
 654 readiness plans in accordance with this minimum number. The
 655 minimum number must be uniform for every early learning
 656 coalition and must:

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

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

662
 663 The Agency for Workforce Innovation shall adopt procedures for
 664 merging early learning coalitions, including procedures for the
 665 consolidation of merging coalitions, and for the early
 666 termination of the terms of coalition members which are
 667 necessary to accomplish the mergers. Each early learning

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668 coalition must comply with the merger procedures and shall be
669 organized in accordance with this subparagraph by April 1, 2005.
670 By June 30, 2005, each coalition must complete the transfer of
671 powers, duties, functions, rules, records, personnel, property,
672 and unexpended balances of appropriations, allocations, and
673 other funds to the successor coalition, if applicable.

674 2. If an early learning coalition would serve fewer
675 children than the minimum number established under subparagraph
676 1., the coalition must merge with another county to form a
677 multicounty coalition. However, the Agency for Workforce
678 Innovation may authorize an early learning coalition to serve
679 fewer children than the minimum number established under
680 subparagraph 1., if:

681 a. The coalition demonstrates to the Agency for Workforce
682 Innovation that merging with another county or multicounty
683 region contiguous to the coalition would cause an extreme
684 hardship on the coalition;

685 b. The Agency for Workforce Innovation has determined
686 during the most recent annual review of the coalition's school
687 readiness plan, or through monitoring and performance
688 evaluations conducted under paragraph (4)(1), that the coalition
689 has substantially implemented its plan and substantially met the
690 performance standards and outcome measures adopted by the
691 agency; and

692 c. The coalition demonstrates to the Agency for Workforce
693 Innovation the coalition's ability to effectively and
694 efficiently implement the Voluntary Prekindergarten Education
695 Program.

696
697 If an early learning coalition fails or refuses to merge as
698 required by this subparagraph, the Agency for Workforce
699 Innovation may dissolve the coalition and temporarily contract
700 with a qualified entity to continue school readiness and
701 prekindergarten services in the coalition's county or
702 multicounty region until the coalition is reestablished through
703 resubmission of a school readiness plan and approval by the
704 agency.

705 3. Notwithstanding the provisions of subparagraphs 1. and
706 2., the early learning coalitions in Sarasota, Osceola, and
707 Santa Rosa Counties which were in operation on January 1, 2005,
708 are established and authorized to continue operation as
709 independent coalitions, and shall not be counted within the
710 limit of 30 coalitions established in subparagraph 1.

711 4. Each early learning coalition shall be composed of at
712 least 18 members but not more than 35 members. The Agency for
713 Workforce Innovation shall adopt standards establishing within
714 this range the minimum and maximum number of members that may be
715 appointed to an early learning coalition. These standards must
716 include variations for a coalition serving a multicounty region.
717 Each early learning coalition must comply with these standards.

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

722 6. Each early learning coalition must include the
723 following members:

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

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

730 c. A regional workforce board executive director or his or
 731 her designee.

732 d. A county health department director or his or her
 733 designee.

734 e. A children's services council or juvenile welfare board
 735 chair or executive director, if applicable, who shall be a
 736 nonvoting member if the council or board is the fiscal agent of
 737 the coalition or if the council or board contracts with and
 738 receives funds from the coalition.

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

741 g. A president of a community college or his or her
 742 designee.

743 h. One member appointed by a board of county
 744 commissioners.

745 i. A central agency administrator, where applicable, who
 746 shall be a nonvoting member.

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

748 k. A representative of private child care providers,
 749 including family day care homes, who shall be a nonvoting
 750 member.

751 1. A representative of faith-based child care providers,
752 who shall be a nonvoting member.

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

756 7. Including the members appointed by the Governor under
757 subparagraph 5., more than one-third of the members of each
758 early learning coalition must be private sector business members
759 who do not have, and none of whose relatives as defined in s.
760 112.3143 has, a substantial financial interest in the design or
761 delivery of the Voluntary Prekindergarten Education Program
762 created under part V of chapter 1002 or the coalition's school
763 readiness program. To meet this requirement an early learning
764 coalition must appoint additional members from a list of
765 nominees submitted to the coalition by a chamber of commerce or
766 economic development council within the geographic region served
767 by the coalition. The Agency for Workforce Innovation shall
768 establish criteria for appointing private sector business
769 members. These criteria must include standards for determining
770 whether a member or relative has a substantial financial
771 interest in the design or delivery of the Voluntary
772 Prekindergarten Education Program or the coalition's school
773 readiness program.

774 8. A majority of the voting membership of an early
775 learning coalition constitutes a quorum required to conduct the
776 business of the coalition.

777 9. A voting member of an early learning coalition may not
778 appoint a designee to act in his or her place, except as

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779 otherwise provided in this paragraph. A voting member may send a
780 representative to coalition meetings, but that representative
781 does not have voting privileges. When a district administrator
782 for the Department of Children and Family Services appoints a
783 designee to an early learning coalition, the designee is the
784 voting member of the coalition, and any individual attending in
785 the designee's place, including the district administrator, does
786 not have voting privileges.

787 10. Each member of an early learning coalition is subject
788 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
789 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is a local
790 public officer who must abstain from voting when a voting
791 conflict exists.

792 11. For purposes of tort liability, each member or
793 employee of an early learning coalition shall be governed by s.
794 768.28.

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

797 13. Each early learning coalition shall establish terms
798 for all appointed members of the coalition. The terms must be
799 staggered and must be a uniform length that does not exceed 4
800 years per term. Appointed members may serve a maximum of two
801 consecutive terms. When a vacancy occurs in an appointed
802 position, the coalition must advertise the vacancy.

803 Section 13. This act shall take effect January 1, 2009.