

1 A bill to be entitled

2 An act relating to the code of ethics for public officers
3 and employees; amending s. 112.312, F.S.; redefining the
4 term "business entity" to include a company; amending s.
5 112.3135, F.S.; providing that both an official and the
6 official's relative are subject to penalties if a
7 prohibited appointment, employment, promotion, or
8 advancement in or to a position occurs; providing an
9 exception if the official does not participate in the
10 appointment, employment, promotion, or advancement;
11 amending s. 112.3143, F.S.; revising the disclosure
12 requirements for a state officer when voting in an
13 official capacity; revising the disclosure requirements
14 for an appointed state officer participating in certain
15 matters; providing an exception for a state officer when
16 the officer's principal is an agency as defined in s.
17 112.312(2), F.S.; revising the disclosure requirements for
18 a local officer when prohibited from voting; prohibiting a
19 local officer from participating in any matter involving
20 special gain or loss to certain parties unless such
21 interest in the matter is disclosed; providing
22 requirements for making the disclosure; amending s.
23 112.3145, F.S.; redefining the term "local officer" to
24 include an appointed member of the board of a community
25 redevelopment agency and a finance director of a local
26 government or other political subdivision; requiring a
27 financial interest statement to show the statutory method
28 used to disclose a reporting individual's financial

29 | interests; amending s. 112.3148, F.S.; redefining the term
30 | "procurement employee"; defining the term "vendor";
31 | prohibiting a reporting individual or procurement employee
32 | from soliciting a gift from certain vendors; prohibiting
33 | such individual or employee from knowingly accepting a
34 | gift in excess of a specified value from certain vendors;
35 | prohibiting certain vendors from making such a gift to
36 | such individual or employee; amending s. 112.3149, F.S.;
37 | redefining the term "procurement employee"; defining the
38 | term "vendor"; prohibiting a reporting individual or
39 | procurement employee from knowingly accepting an
40 | honorarium from certain vendors; prohibiting certain
41 | vendors from giving an honorarium to such individual or
42 | employee; amending s. 112.3215, F.S.; requiring the Ethics
43 | Commission to investigate complaints alleging prohibited
44 | expenditures; providing for the investigation of lobbyists
45 | and principals under certain circumstances; providing
46 | penalties for failure to provide required information or
47 | providing false information; creating s. 112.3136, F.S.;
48 | specifying standards of conduct for officers and employees
49 | of entities serving as the chief administrative officer of
50 | a political subdivision; amending s. 112.317, F.S.;
51 | providing for penalties to be imposed against persons
52 | other than lobbyists or public officers and employees;
53 | amending s. 112.324, F.S.; providing for the commission to
54 | report to the Governor violations involving persons other
55 | than lobbyists or public officers and employees; amending

56 s. 411.01, F.S., relating to school readiness programs;
 57 conforming a cross-reference; providing an effective date.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Subsection (5) of section 112.312, Florida
 62 Statutes, is amended to read:

63 112.312 Definitions.--As used in this part and for
 64 purposes of the provisions of s. 8, Art. II of the State
 65 Constitution, unless the context otherwise requires:

66 (5) "Business entity" means any corporation, company,
 67 partnership, limited partnership, proprietorship, firm,
 68 enterprise, franchise, association, self-employed individual, or
 69 trust, whether fictitiously named or not, doing business in this
 70 state.

71 Section 2. Paragraph (a) of subsection (2) of section
 72 112.3135, Florida Statutes, is amended to read:

73 112.3135 Restriction on employment of relatives.--

74 (2)(a) A public official may not appoint, employ, promote,
 75 or advance, or advocate for appointment, employment, promotion,
 76 or advancement, in or to a position in the agency in which the
 77 official is serving or over which the official, or collegial
 78 body of which the official is a member, exercises jurisdiction
 79 or control, any individual who is a relative of the public
 80 official. An individual may not be appointed, employed,
 81 promoted, or advanced in or to a position in an agency if such
 82 appointment, employment, promotion, or advancement has been made
 83 or advocated by a public official, serving in or exercising

84 jurisdiction or control over the agency, who is a relative of
 85 the individual or if such appointment, employment, promotion, or
 86 advancement is made by a collegial body of which a relative of
 87 the individual is a member. If a prohibited appointment,
 88 employment, promotion, or advancement occurs, both the official
 89 and the individual shall be subject to penalties under s.
 90 112.317; however, if the appointment, employment, promotion, or
 91 advancement is made by the collegial body of which the official
 92 is a member without the official's participation, only the
 93 individual shall be subject to penalties under s. 112.317.

94 ~~However,~~ This subsection does ~~shall~~ not apply to appointments to
 95 boards other than those with land-planning or zoning
 96 responsibilities in those municipalities with less than 35,000
 97 population. This subsection does not apply to persons serving in
 98 a volunteer capacity who provide emergency medical,
 99 firefighting, or police services. Such persons may receive,
 100 without losing their volunteer status, reimbursements for the
 101 costs of any training they get relating to the provision of
 102 volunteer emergency medical, firefighting, or police services
 103 and payment for any incidental expenses relating to those
 104 services that they provide.

105 Section 3. Section 112.3143, Florida Statutes, is amended
 106 to read:

- 107 112.3143 Voting conflicts.--
- 108 (1) As used in this section:
- 109 (a) "Public officer" includes any person elected or
 110 appointed to hold office in any agency, including any person
 111 serving on an advisory body.

112 (b) "Relative" means any father, mother, son, daughter,
 113 husband, wife, brother, sister, father-in-law, mother-in-law,
 114 son-in-law, or daughter-in-law.

115 (2) A ~~No~~ state public officer is not prohibited from
 116 voting in an official capacity on any matter. However, any state
 117 public officer voting in an official capacity upon any measure
 118 that ~~which~~ would inure to the officer's special private gain or
 119 loss; that ~~which~~ he or she knows would inure to the special
 120 private gain or loss of any principal by whom the officer is
 121 retained or to the parent organization, sibling, or subsidiary
 122 of a corporate principal by which the officer is retained, other
 123 than an agency as defined in s. 112.312(2); or that ~~which~~ the
 124 officer knows would inure to the special private gain or loss of
 125 a relative or business associate of the public officer shall,
 126 within 15 days after the vote occurs, disclose the nature of all
 127 of his or her interests in the matter, and disclose the nature
 128 of all of the interests of his or her principals, relatives, or
 129 business associates which are known to him or her, ~~his or her~~
 130 ~~interest~~ as a public record in a memorandum filed with the
 131 person responsible for recording the minutes of the meeting, who
 132 shall incorporate the memorandum in the minutes.

133 (3) An appointed state public officer may not participate
 134 in any matter that would inure to the officer's special private
 135 gain or loss; that the officer knows would inure to the special
 136 private gain or loss of any principal by whom he or she is
 137 retained or to the parent organization, sibling, or subsidiary
 138 of a corporate principal by which he or she is retained, other
 139 than an agency as defined in s. 112.312(2); or that he or she

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140 knows would inure to the special private gain or loss of a
141 relative or business associate of the public officer, without
142 first disclosing the nature of his or her interest in the
143 matter.

144 (a) Such disclosure, indicating the nature of all of his
145 or her interests in the matter and disclosing the nature of all
146 of the interests of the principals, relatives, or business
147 associates which are known to him or her, shall be made in a
148 written memorandum and filed with the person responsible for
149 recording the minutes of the meeting before the meeting in which
150 consideration of the matter will take place, and shall be
151 incorporated into the minutes. Any such memorandum becomes a
152 public record upon filing, shall immediately be provided to the
153 other members of the agency, and shall be read publicly at the
154 next meeting held subsequent to the filing of this written
155 memorandum.

156 (b) If disclosure is not made before the meeting or if any
157 conflict is unknown before the meeting, the disclosure shall be
158 made orally at the meeting when it becomes known that a conflict
159 exists. The written memorandum disclosing the nature of the
160 conflict must be filed with the person responsible for recording
161 the minutes of the meeting within 15 days after the oral
162 disclosure and shall be incorporated into the minutes of the
163 meeting at which the oral disclosure was made. Any such
164 memorandum becomes a public record upon filing, shall
165 immediately be provided to the other members of the agency, and
166 shall be read publicly at the next meeting held subsequent to
167 the filing of this written memorandum.

168 (4)~~(3)~~(a) A ~~No~~ county, municipal, or other local public
 169 officer may not ~~shall~~ vote in an official capacity upon any
 170 measure that ~~which~~ would inure to his or her special private
 171 gain or loss; that ~~which~~ he or she knows would inure to the
 172 special private gain or loss of any principal by whom he or she
 173 is retained or to the parent organization, sibling, or
 174 subsidiary of a corporate principal by which he or she is
 175 retained, other than an agency as defined in s. 112.312(2); or
 176 that ~~which~~ he or she knows would inure to the special private
 177 gain or loss of a relative or business associate of the public
 178 officer. Such public officer shall, before ~~prior to~~ the vote is
 179 ~~being~~ taken, publicly state to the assembly the nature of all of
 180 the officer's interests ~~interest~~ in the matter, and all of the
 181 interests in the matter of his or her principals, relatives, or
 182 business associates which are known to him or her, from which he
 183 or she is abstaining from voting and, within 15 days after the
 184 vote occurs, disclose the nature of all of his or her interests
 185 in the matter, and disclose the nature of all of the interests
 186 of his or her principals, relatives, or business associates
 187 which are known to him or her, ~~his or her interest~~ as a public
 188 record in a memorandum filed with the person responsible for
 189 recording the minutes of the meeting, who shall incorporate the
 190 memorandum in the minutes.

191 (b) However, a commissioner of a community redevelopment
 192 agency created or designated pursuant to s. 163.356 or s.
 193 163.357, or an officer of an independent special tax district
 194 elected on a one-acre, one-vote basis, is not prohibited from
 195 voting, when voting in that ~~said~~ capacity.

196 ~~(4) No appointed public officer shall participate in any~~
197 ~~matter which would inure to the officer's special private gain~~
198 ~~or loss; which the officer knows would inure to the special~~
199 ~~private gain or loss of any principal by whom he or she is~~
200 ~~retained or to the parent organization or subsidiary of a~~
201 ~~corporate principal by which he or she is retained; or which he~~
202 ~~or she knows would inure to the special private gain or loss of~~
203 ~~a relative or business associate of the public officer, without~~
204 ~~first disclosing the nature of his or her interest in the~~
205 ~~matter.~~

206 ~~(a) Such disclosure, indicating the nature of the~~
207 ~~conflict, shall be made in a written memorandum filed with the~~
208 ~~person responsible for recording the minutes of the meeting,~~
209 ~~prior to the meeting in which consideration of the matter will~~
210 ~~take place, and shall be incorporated into the minutes. Any such~~
211 ~~memorandum shall become a public record upon filing, shall~~
212 ~~immediately be provided to the other members of the agency, and~~
213 ~~shall be read publicly at the next meeting held subsequent to~~
214 ~~the filing of this written memorandum.~~

215 ~~(b) In the event that disclosure has not been made prior~~
216 ~~to the meeting or that any conflict is unknown prior to the~~
217 ~~meeting, the disclosure shall be made orally at the meeting when~~
218 ~~it becomes known that a conflict exists. A written memorandum~~
219 ~~disclosing the nature of the conflict shall then be filed within~~
220 ~~15 days after the oral disclosure with the person responsible~~
221 ~~for recording the minutes of the meeting and shall be~~
222 ~~incorporated into the minutes of the meeting at which the oral~~
223 ~~disclosure was made. Any such memorandum shall become a public~~

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224 ~~record upon filing, shall immediately be provided to the other~~
225 ~~members of the agency, and shall be read publicly at the next~~
226 ~~meeting held subsequent to the filing of this written~~
227 ~~memorandum.~~

228 (5) A county, municipal, or other local public officer may
229 not participate in any matter that would inure to the officer's
230 special private gain or loss; that the officer knows would inure
231 to the special private gain or loss of any principal by whom he
232 or she is retained or to the parent organization, sibling, or
233 subsidiary of a corporate principal by which he or she is
234 retained, other than an agency as defined in s. 112.312(2); or
235 that he or she knows would inure to the special private gain or
236 loss of a relative or business associate of the public officer,
237 without first disclosing the nature of his or her interest in
238 the matter.

239 (a) Such disclosure, indicating the nature of all of his
240 or her interests in the matter and disclosing the nature of all
241 of the interests of the principals, relatives, or business
242 associates which are known to him or her, shall be made in a
243 written memorandum and filed with the person responsible for
244 recording the minutes of the meeting before the meeting in which
245 consideration of the matter will take place, and shall be
246 incorporated into the minutes. Any such memorandum becomes a
247 public record upon filing, shall immediately be provided to the
248 other members of the agency, and shall be read publicly at the
249 next meeting held subsequent to the filing of this written
250 memorandum.

251 (b) If disclosure is not made before the meeting or if any
 252 conflict is unknown before the meeting, the disclosure shall be
 253 made orally at the meeting when it becomes known that a conflict
 254 exists. The written memorandum disclosing the nature of the
 255 conflict must be filed with the person responsible for recording
 256 the minutes of the meeting within 15 days after the oral
 257 disclosure and shall be incorporated into the minutes of the
 258 meeting at which the oral disclosure was made. Any such
 259 memorandum becomes a public record upon filing, shall
 260 immediately be provided to the other members of the agency, and
 261 shall be read publicly at the next meeting held subsequent to
 262 the filing of this written memorandum.

263 (6)-(e) For purposes of this section ~~subsection~~, the term
 264 "participate" means any attempt to influence the decision by
 265 oral or written communication, whether made by the officer or at
 266 the officer's direction.

267 (7)-(5) Whenever a public officer or former public officer
 268 is being considered for appointment or reappointment to public
 269 office, the appointing body shall consider the number and nature
 270 of the memoranda of conflict previously filed under this section
 271 by the said officer.

272 Section 4. Paragraph (a) of subsection (1) and subsection
 273 (3) of section 112.3145, Florida Statutes, are amended to read:

274 112.3145 Disclosure of financial interests and clients
 275 represented before agencies.--

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

278 (a) "Local officer" means:

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

282 | 2. Any appointed member of any of the following boards,
 283 | councils, commissions, authorities, or other bodies of any
 284 | county, municipality, school district, independent special
 285 | district, or other political subdivision of the state:

286 | a. The governing body of the political subdivision, if
 287 | appointed;

288 | b. An expressway authority or transportation authority
 289 | established by general law;

290 | c. A community college or junior college district board of
 291 | trustees;

292 | d. A board having the power to enforce local code
 293 | provisions;

294 | e. A planning or zoning board, board of adjustment, board
 295 | of appeals, community redevelopment agency board, or other board
 296 | having the power to recommend, create, or modify land planning
 297 | or zoning within the political subdivision, except for citizen
 298 | advisory committees, technical coordinating committees, and such
 299 | other groups who only have the power to make recommendations to
 300 | planning or zoning boards;

301 | f. A pension board or retirement board having the power to
 302 | invest pension or retirement funds or the power to make a
 303 | binding determination of one's entitlement to or amount of a
 304 | pension or other retirement benefit; or

305 | g. Any other appointed member of a local government board
 306 | who is required to file a statement of financial interests by

307 the appointing authority or the enabling legislation, ordinance,
 308 or resolution creating the board.

309 3. Any person holding one or more of the following
 310 positions: mayor; county or city manager; chief administrative
 311 employee of a county, municipality, or other political
 312 subdivision; county or municipal attorney; finance director of a
 313 county, municipality, or other political subdivision; chief
 314 county or municipal building code inspector; county or municipal
 315 water resources coordinator; county or municipal pollution
 316 control director; county or municipal environmental control
 317 director; county or municipal administrator, with power to grant
 318 or deny a land development permit; chief of police; fire chief;
 319 municipal clerk; district school superintendent; community
 320 college president; district medical examiner; or purchasing
 321 agent having the authority to make any purchase exceeding the
 322 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 323 behalf of any political subdivision of the state or any entity
 324 thereof.

325 (3) The statement of financial interests for state
 326 officers, specified state employees, local officers, and persons
 327 seeking to qualify as candidates for state or local office shall
 328 be filed even if the reporting person holds no financial
 329 interests requiring disclosure, in which case the statement
 330 shall be marked "not applicable." Otherwise, the statement of
 331 financial interests shall include, at the filer's option,
 332 either:

333 (a)1. All sources of income in excess of 5 percent of the
 334 gross income received during the disclosure period by the person

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335 in his or her own name or by any other person for his or her use
336 or benefit, excluding public salary. However, this shall not be
337 construed to require disclosure of a business partner's sources
338 of income. The person reporting shall list such sources in
339 descending order of value with the largest source first;

340 2. All sources of income to a business entity in excess of
341 10 percent of the gross income of a business entity in which the
342 reporting person held a material interest and from which he or
343 she received an amount which was in excess of 10 percent of his
344 or her gross income during the disclosure period and which
345 exceeds \$1,500. The period for computing the gross income of the
346 business entity is the fiscal year of the business entity which
347 ended on, or immediately prior to, the end of the disclosure
348 period of the person reporting;

349 3. The location or description of real property in this
350 state, except for residences and vacation homes, owned directly
351 or indirectly by the person reporting, when such person owns in
352 excess of 5 percent of the value of such real property, and a
353 general description of any intangible personal property worth in
354 excess of 10 percent of such person's total assets. For the
355 purposes of this paragraph, indirect ownership does not include
356 ownership by a spouse or minor child; and

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

359 (b)1. All sources of gross income in excess of \$2,500
360 received during the disclosure period by the person in his or
361 her own name or by any other person for his or her use or
362 benefit, excluding public salary. However, this shall not be

363 construed to require disclosure of a business partner's sources
 364 of income. The person reporting shall list such sources in
 365 descending order of value with the largest source first;

366 2. All sources of income to a business entity in excess of
 367 10 percent of the gross income of a business entity in which the
 368 reporting person held a material interest and from which he or
 369 she received gross income exceeding \$5,000 during the disclosure
 370 period. The period for computing the gross income of the
 371 business entity is the fiscal year of the business entity which
 372 ended on, or immediately prior to, the end of the disclosure
 373 period of the person reporting;

374 3. The location or description of real property in this
 375 state, except for residence and vacation homes, owned directly
 376 or indirectly by the person reporting, when such person owns in
 377 excess of 5 percent of the value of such real property, and a
 378 general description of any intangible personal property worth in
 379 excess of \$10,000. For the purpose of this paragraph, indirect
 380 ownership does not include ownership by a spouse or minor child;
 381 and

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

383
 384 A person filing a statement of financial interests shall
 385 indicate on the statement whether he or she is using the method
 386 specified in paragraph (a) or the method specified in paragraph
 387 (b).

388 Section 5. Paragraph (e) of subsection (2), subsections
 389 (3) and (4), and paragraph (a) of subsection (5) of section
 390 112.3148, Florida Statutes, are amended, and paragraph (f) is

391 added to subsection (2) of that section, to read:

392 112.3148 Reporting and prohibited receipt of gifts by
 393 individuals filing full or limited public disclosure of
 394 financial interests and by procurement employees.--

395 (2) As used in this section:

396 (e) "Procurement employee" means any employee of an
 397 officer, department, board, commission, ~~or~~ council, or agency of
 398 the executive branch or judicial branch of state government who
 399 has participated in the preceding 12 months ~~participates~~ through
 400 decision, approval, disapproval, recommendation, preparation of
 401 any part of a purchase request, influencing the content of any
 402 specification or procurement standard, rendering of advice,
 403 investigation, or auditing or in any other advisory capacity in
 404 the procurement of contractual services or commodities as
 405 defined in s. 287.012, if the cost of such services or
 406 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

410 (3) A reporting individual or procurement employee is
 411 prohibited from soliciting any gift from a political committee
 412 or committee of continuous existence, as defined in s. 106.011,
 413 from a vendor doing business with the reporting individual's or
 414 procurement employee's agency, or from a lobbyist who lobbies
 415 the reporting individual's or procurement employee's agency, or
 416 the partner, firm, employer, or principal of such lobbyist,
 417 where such gift is for the personal benefit of the reporting
 418 individual or procurement employee, another reporting individual

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419 or procurement employee, or any member of the immediate family
420 of a reporting individual or procurement employee.

421 (4) A reporting individual or procurement employee or any
422 other person on his or her behalf is prohibited from knowingly
423 accepting, directly or indirectly, a gift from a political
424 committee or committee of continuous existence, as defined in s.
425 106.011, from a vendor doing business with the reporting
426 individual's or procurement employee's agency, or from a
427 lobbyist who lobbies the reporting individual's or procurement
428 employee's agency, or directly or indirectly on behalf of the
429 partner, firm, employer, or principal of a lobbyist, if he or
430 she knows or reasonably believes that the gift has a value in
431 excess of \$100; however, such a gift may be accepted by such
432 person on behalf of a governmental entity or a charitable
433 organization. If the gift is accepted on behalf of a
434 governmental entity or charitable organization, the person
435 receiving the gift shall not maintain custody of the gift for
436 any period of time beyond that reasonably necessary to arrange
437 for the transfer of custody and ownership of the gift.

438 (5) (a) A political committee or a committee of continuous
439 existence, as defined in s. 106.011; a vendor doing business
440 with the reporting individual's or procurement employee's
441 agency; a lobbyist who lobbies a reporting individual's or
442 procurement employee's agency; the partner, firm, employer, or
443 principal of a lobbyist; or another on behalf of the lobbyist or
444 partner, firm, principal, or employer of the lobbyist is
445 prohibited from giving, either directly or indirectly, a gift
446 that has a value in excess of \$100 to the reporting individual

447 or procurement employee or any other person on his or her
 448 behalf; however, such person may give a gift having a value in
 449 excess of \$100 to a reporting individual or procurement employee
 450 if the gift is intended to be transferred to a governmental
 451 entity or a charitable organization.

452 Section 6. Paragraph (e) of subsection (1) and subsections
 453 (3) and (4) of section 112.3149, Florida Statutes, are amended,
 454 and paragraph (f) is added to subsection (1) of that section, to
 455 read:

456 112.3149 Solicitation and disclosure of honoraria.--

457 (1) As used in this section:

458 (e) "Procurement employee" means any employee of an
 459 officer, department, board, commission, ~~or~~ council, or agency of
 460 the executive branch or judicial branch of state government who
 461 has participated in the preceding 12 months ~~participates~~ through
 462 decision, approval, disapproval, recommendation, preparation of
 463 any part of a purchase request, influencing the content of any
 464 specification or procurement standard, rendering of advice,
 465 investigation, or auditing or in any other advisory capacity in
 466 the procurement of contractual services or commodities as
 467 defined in s. 287.012, if the cost of such services or
 468 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

472 (3) A reporting individual or procurement employee is
 473 prohibited from knowingly accepting an honorarium from a
 474 political committee or committee of continuous existence, as

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475 defined in s. 106.011, from a vendor doing business with the
 476 reporting individual's or procurement employee's agency, from a
 477 lobbyist who lobbies the reporting individual's or procurement
 478 employee's agency, or from the employer, principal, partner, or
 479 firm of such a lobbyist.

480 (4) A political committee or committee of continuous
 481 existence, as defined in s. 106.011, a vendor doing business
 482 with the reporting individual's or procurement employee's
 483 agency, a lobbyist who lobbies a reporting individual's or
 484 procurement employee's agency, or the employer, principal,
 485 partner, or firm of such a lobbyist is prohibited from giving an
 486 honorarium to a reporting individual or procurement employee.

487 Section 7. Subsection (8) of section 112.3215, Florida
 488 Statutes, is amended, present subsections (11), (12), (13), and
 489 (14) of that section are redesignated as subsections (12), (13),
 490 (14), and (15), respectively, and a new subsection (11) is added
 491 to that section, to read:

492 112.3215 Lobbying before the executive branch or the
 493 Constitution Revision Commission; registration and reporting;
 494 investigation by commission.--

495 (8)(a) The commission shall investigate every sworn
 496 complaint that is filed with it alleging that a person covered
 497 by this section has failed to register, has failed to submit a
 498 compensation report, has made a prohibited expenditure, or has
 499 knowingly submitted false information in any report or
 500 registration required in this section.

501 (b) All proceedings, the complaint, and other records
 502 relating to the investigation are confidential and exempt from

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503 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
504 Constitution, and any meetings held pursuant to an investigation
505 are exempt from the provisions of s. 286.011(1) and s. 24(b),
506 Art. I of the State Constitution either until the alleged
507 violator requests in writing that such investigation and
508 associated records and meetings be made public or until the
509 commission determines, based on the investigation, whether
510 probable cause exists to believe that a violation has occurred.

511 (c) The commission shall investigate any lobbying firm,
512 lobbyist, principal, agency, officer, or employee upon receipt
513 of information from a sworn complaint or from a random audit of
514 lobbying reports indicating a possible violation other than a
515 late-filed report.

516 (d) Records relating to an audit conducted pursuant to
517 this section or an investigation conducted pursuant to this
518 section or s. 112.32155 are confidential and exempt from s.
519 119.07(1) and s. 24(a), Art. I of the State Constitution, and
520 any meetings held pursuant to such an investigation or at which
521 such an audit is discussed are exempt from s. 286.011 and s.
522 24(b), Art. I of the State Constitution either until the
523 lobbying firm requests in writing that such investigation and
524 associated records and meetings be made public or until the
525 commission determines there is probable cause that the audit
526 reflects a violation of the reporting laws. This paragraph is
527 subject to the Open Government Sunset Review Act in accordance
528 with s. 119.15 and shall stand repealed on October 2, 2011,
529 unless reviewed and saved from repeal through reenactment by the
530 Legislature.

531 (11) Any person who is required to be registered or to
532 provide information under this section or under rules adopted
533 pursuant to this section and who knowingly fails to disclose any
534 material fact that is required by this section or by rules
535 adopted pursuant to this section, or who knowingly provides
536 false information on any report required by this section or by
537 rules adopted pursuant to this section, commits a noncriminal
538 infraction, punishable by a fine not to exceed \$5,000. Such
539 penalty is in addition to any other penalty assessed by the
540 Governor and Cabinet pursuant to subsection (10).

541 Section 8. Section 112.3136, Florida Statutes, is created
542 to read:

543 112.3136 Standards of conduct for officers and employees
544 of entities serving as chief administrative officer of political
545 subdivisions.--The officers, directors, and chief executive
546 officer of a corporation, partnership, or other business entity
547 that is serving as the chief administrative or executive officer
548 or employee of a political subdivision, and any business entity
549 employee who is acting as the chief administrative or executive
550 officer or employee of the political subdivision, shall be
551 treated as public officers and employees for the purpose of the
552 following sections:

553 (1) Section 112.313, and their "agency" is the political
554 subdivision that they serve; however, the contract under which
555 the business entity serves as chief executive or administrative
556 officer of the political subdivision is not deemed to violate s.
557 112.313(3) or (7).

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

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559 (3) Sections 112.3148 and 112.3149, as a "reporting
560 individual."

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

563 112.317 Penalties.--

564 (1) Violation of any provision of this part, including,
565 but not limited to, any failure to file any disclosures required
566 by this part or violation of any standard of conduct imposed by
567 this part, or violation of any provision of s. 8, Art. II of the
568 State Constitution, in addition to any criminal penalty or other
569 civil penalty involved, shall, under applicable constitutional
570 and statutory procedures, constitute grounds for, and may be
571 punished by, one or more of the following:

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

576 1. Public censure and reprimand.

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

578 3. Restitution of any pecuniary benefits received because
579 of the violation committed. The commission may recommend that
580 the restitution penalty be paid to the agency of the person or
581 to the General Revenue Fund.

582 Section 10. Paragraph (d) of subsection (8) of section
583 112.324, Florida Statutes, is amended to read:

584 112.324 Procedures on complaints of violations; public
585 records and meeting exemptions.--

586 (8) If, in cases pertaining to complaints other than

587 | complaints against impeachable officers or members of the
 588 | Legislature, upon completion of a full and final investigation
 589 | by the commission, the commission finds that there has been a
 590 | violation of this part or of s. 8, Art. II of the State
 591 | Constitution, it shall be the duty of the commission to report
 592 | its findings and recommend appropriate action to the proper
 593 | disciplinary official or body as follows, and such official or
 594 | body shall have the power to invoke the penalty provisions of
 595 | this part, including the power to order the appropriate
 596 | elections official to remove a candidate from the ballot for a
 597 | violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 598 | State Constitution:

599 | (d) Except as otherwise provided by this part, the
 600 | Governor, in the case of any other public officer, public
 601 | employee, former public officer or public employee, candidate,
 602 | or former candidate, or person who is not a public officer or
 603 | employee, other than lobbyists and lobbying firms under s.
 604 | 112.3215 for violations of s. 112.3215.

605 | Section 11. Paragraph (a) of subsection (5) of section
 606 | 411.01, Florida Statutes, is amended to read:

607 | 411.01 School readiness programs; early learning
 608 | coalitions.--

609 | (5) CREATION OF EARLY LEARNING COALITIONS.--

610 | (a) Early learning coalitions.--

611 | 1. The Agency for Workforce Innovation shall establish the
 612 | minimum number of children to be served by each early learning
 613 | coalition through the coalition's school readiness program. The
 614 | Agency for Workforce Innovation may only approve school

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615 | readiness plans in accordance with this minimum number. The
616 | minimum number must be uniform for every early learning
617 | coalition and must:

- 618 | a. Permit 30 or fewer coalitions to be established; and
619 | b. Require each coalition to serve at least 2,000 children
620 | based upon the average number of all children served per month
621 | through the coalition's school readiness program during the
622 | previous 12 months.

623 |
624 | The Agency for Workforce Innovation shall adopt procedures for
625 | merging early learning coalitions, including procedures for the
626 | consolidation of merging coalitions, and for the early
627 | termination of the terms of coalition members which are
628 | necessary to accomplish the mergers. Each early learning
629 | coalition must comply with the merger procedures and shall be
630 | organized in accordance with this subparagraph by April 1, 2005.
631 | By June 30, 2005, each coalition must complete the transfer of
632 | powers, duties, functions, rules, records, personnel, property,
633 | and unexpended balances of appropriations, allocations, and
634 | other funds to the successor coalition, if applicable.

635 | 2. If an early learning coalition would serve fewer
636 | children than the minimum number established under subparagraph
637 | 1., the coalition must merge with another county to form a
638 | multicounty coalition. However, the Agency for Workforce
639 | Innovation may authorize an early learning coalition to serve
640 | fewer children than the minimum number established under
641 | subparagraph 1., if:

642 a. The coalition demonstrates to the Agency for Workforce
643 Innovation that merging with another county or multicounty
644 region contiguous to the coalition would cause an extreme
645 hardship on the coalition;

646 b. The Agency for Workforce Innovation has determined
647 during the most recent annual review of the coalition's school
648 readiness plan, or through monitoring and performance
649 evaluations conducted under paragraph (4)(1), that the coalition
650 has substantially implemented its plan and substantially met the
651 performance standards and outcome measures adopted by the
652 agency; and

653 c. The coalition demonstrates to the Agency for Workforce
654 Innovation the coalition's ability to effectively and
655 efficiently implement the Voluntary Prekindergarten Education
656 Program.

657
658 If an early learning coalition fails or refuses to merge as
659 required by this subparagraph, the Agency for Workforce
660 Innovation may dissolve the coalition and temporarily contract
661 with a qualified entity to continue school readiness and
662 prekindergarten services in the coalition's county or
663 multicounty region until the coalition is reestablished through
664 resubmission of a school readiness plan and approval by the
665 agency.

666 3. Notwithstanding the provisions of subparagraphs 1. and
667 2., the early learning coalitions in Sarasota, Osceola, and
668 Santa Rosa Counties which were in operation on January 1, 2005,
669 are established and authorized to continue operation as

670 independent coalitions, and shall not be counted within the
671 limit of 30 coalitions established in subparagraph 1.

672 4. Each early learning coalition shall be composed of at
673 least 18 members but not more than 35 members. The Agency for
674 Workforce Innovation shall adopt standards establishing within
675 this range the minimum and maximum number of members that may be
676 appointed to an early learning coalition. These standards must
677 include variations for a coalition serving a multicounty region.
678 Each early learning coalition must comply with these standards.

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

683 6. Each early learning coalition must include the
684 following members:

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

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

691 c. A regional workforce board executive director or his or
692 her designee.

693 d. A county health department director or his or her
694 designee.

695 e. A children's services council or juvenile welfare board
696 chair or executive director, if applicable, who shall be a
697 nonvoting member if the council or board is the fiscal agent of

698 the coalition or if the council or board contracts with and
 699 receives funds from the coalition.

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

702 g. A president of a community college or his or her
 703 designee.

704 h. One member appointed by a board of county
 705 commissioners.

706 i. A central agency administrator, where applicable, who
 707 shall be a nonvoting member.

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

709 k. A representative of private child care providers,
 710 including family day care homes, who shall be a nonvoting
 711 member.

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

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

717 7. Including the members appointed by the Governor under
 718 subparagraph 5., more than one-third of the members of each
 719 early learning coalition must be private sector business members
 720 who do not have, and none of whose relatives as defined in s.
 721 112.3143 has, a substantial financial interest in the design or
 722 delivery of the Voluntary Prekindergarten Education Program
 723 created under part V of chapter 1002 or the coalition's school
 724 readiness program. To meet this requirement an early learning
 725 coalition must appoint additional members from a list of

726 nominees submitted to the coalition by a chamber of commerce or
727 economic development council within the geographic region served
728 by the coalition. The Agency for Workforce Innovation shall
729 establish criteria for appointing private sector business
730 members. These criteria must include standards for determining
731 whether a member or relative has a substantial financial
732 interest in the design or delivery of the Voluntary
733 Prekindergarten Education Program or the coalition's school
734 readiness program.

735 8. A majority of the voting membership of an early
736 learning coalition constitutes a quorum required to conduct the
737 business of the coalition.

738 9. A voting member of an early learning coalition may not
739 appoint a designee to act in his or her place, except as
740 otherwise provided in this paragraph. A voting member may send a
741 representative to coalition meetings, but that representative
742 does not have voting privileges. When a district administrator
743 for the Department of Children and Family Services appoints a
744 designee to an early learning coalition, the designee is the
745 voting member of the coalition, and any individual attending in
746 the designee's place, including the district administrator, does
747 not have voting privileges.

748 10. Each member of an early learning coalition is subject
749 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
750 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is a local
751 public officer who must abstain from voting when a voting
752 conflict exists.

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753 11. For purposes of tort liability, each member or
754 employee of an early learning coalition shall be governed by s.
755 768.28.

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

758 13. Each early learning coalition shall establish terms
759 for all appointed members of the coalition. The terms must be
760 staggered and must be a uniform length that does not exceed 4
761 years per term. Appointed members may serve a maximum of two
762 consecutive terms. When a vacancy occurs in an appointed
763 position, the coalition must advertise the vacancy.

764 Section 12. This act shall take effect January 1, 2009.