

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.
5 112.313, F.S.; prohibiting members of certain local
6 councils or committees from soliciting certain
7 contributions; amending s. 112.3135, F.S.; providing that
8 both an official and the official's relative are subject
9 to penalties if a prohibited appointment, employment,
10 promotion, or advancement in or to a position occurs;
11 providing an exception if the official does not
12 participate in the appointment, employment, promotion, or
13 advancement; amending s. 112.3143, F.S.; revising the
14 disclosure requirements for a state officer when voting in
15 an official capacity; revising the disclosure requirements
16 for an appointed state officer participating in certain
17 matters; providing an exception for a state officer when
18 the officer's principal is an agency as defined in s.
19 112.312(2), F.S.; revising the disclosure requirements for
20 a local officer when prohibited from voting; prohibiting a
21 local officer from participating in any matter involving
22 special gain or loss to certain parties unless such
23 interest in the matter is disclosed; providing
24 requirements for making the disclosure; amending s.
25 112.3145, F.S.; redefining the term "local officer" to
26 include an appointed member of the board of a community
27 redevelopment agency and a finance director of a local
28 government or other political subdivision; requiring a

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

57 than lobbyists or public officers and employees; amending
 58 s. 411.01, F.S., relating to school readiness programs;
 59 conforming a cross-reference; providing an effective date.
 60

61 Be It Enacted by the Legislature of the State of Florida:
 62

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

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

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

73 Section 2. Subsection (2) of section 112.313, Florida
 74 Statutes, is amended to read:

75 112.313 Standards of conduct for public officers,
 76 employees of agencies, and local government attorneys.--

77 (2) SOLICITATION OR ACCEPTANCE OF GIFTS OR
 78 CONTRIBUTIONS.--

79 (a) No public officer, employee of an agency, local
 80 government attorney, or candidate for nomination or election
 81 shall solicit or accept anything of value to the recipient,
 82 including a gift, loan, reward, promise of future employment,
 83 favor, or service, based upon any understanding that the vote,
 84 official action, or judgment of the public officer, employee,

85 local government attorney, or candidate would be influenced
 86 thereby.

87 (b) No elected or appointed member of a local government
 88 council or advisory committee shall, directly or indirectly,
 89 solicit any campaign contribution on behalf of a candidate from
 90 an individual who is participating in a pending matter before
 91 the council or advisory committee. For purposes of this
 92 paragraph, "pending matter" means any quasi-judicial or other
 93 proceeding, application, request for a ruling or other
 94 determination, or other particular action involving a specific
 95 party or parties. The prohibition in this paragraph shall not
 96 apply to the members of a governing body of a district, county,
 97 or municipality regardless of whether such members are acting in
 98 an elected or appointed capacity.

99 Section 3. Paragraph (a) of subsection (2) of section
 100 112.3135, Florida Statutes, is amended to read:

101 112.3135 Restriction on employment of relatives.--
 102 (2)(a) A public official may not appoint, employ, promote,
 103 or advance, or advocate for appointment, employment, promotion,
 104 or advancement, in or to a position in the agency in which the
 105 official is serving or over which the official, or collegial
 106 body of which the official is a member, exercises jurisdiction
 107 or control, any individual who is a relative of the public
 108 official. An individual may not be appointed, employed,
 109 promoted, or advanced in or to a position in an agency if such
 110 appointment, employment, promotion, or advancement has been made
 111 or advocated by a public official, serving in or exercising
 112 jurisdiction or control over the agency, who is a relative of

113 the individual or if such appointment, employment, promotion, or
 114 advancement is made by a collegial body of which a relative of
 115 the individual is a member. If a prohibited appointment,
 116 employment, promotion, or advancement occurs, both the official
 117 and the individual shall be subject to penalties under s.
 118 112.317; however, if the appointment, employment, promotion, or
 119 advancement is made by the collegial body of which the official
 120 is a member without the official's participation, only the
 121 individual shall be subject to penalties under s. 112.317.
 122 ~~However,~~ This subsection does ~~shall~~ not apply to appointments to
 123 boards other than those with land-planning or zoning
 124 responsibilities in those municipalities with less than 35,000
 125 population. This subsection does not apply to persons serving in
 126 a volunteer capacity who provide emergency medical,
 127 firefighting, or police services. Such persons may receive,
 128 without losing their volunteer status, reimbursements for the
 129 costs of any training they get relating to the provision of
 130 volunteer emergency medical, firefighting, or police services
 131 and payment for any incidental expenses relating to those
 132 services that they provide.

133 Section 4. Section 112.3143, Florida Statutes, is amended
 134 to read:

135 112.3143 Voting conflicts.--

136 (1) As used in this section:

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

140 (b) "Relative" means any father, mother, son, daughter,
 141 husband, wife, brother, sister, father-in-law, mother-in-law,
 142 son-in-law, or daughter-in-law.

143 (2) A ~~No~~ state public officer is not prohibited from
 144 voting in an official capacity on any matter. However, any state
 145 public officer voting in an official capacity upon any measure
 146 that ~~which~~ would inure to the officer's special private gain or
 147 loss; that ~~which~~ he or she knows would inure to the special
 148 private gain or loss of any principal by whom the officer is
 149 retained or to the parent organization, sibling, or subsidiary
 150 of a corporate principal by which the officer is retained, other
 151 than an agency as defined in s. 112.312(2); or that ~~which~~ the
 152 officer knows would inure to the special private gain or loss of
 153 a relative or business associate of the public officer shall,
 154 within 15 days after the vote occurs, disclose the nature of all
 155 of his or her interests in the matter, and disclose the nature
 156 of all of the interests of his or her principals, relatives, or
 157 business associates which are known to him or her, his or her
 158 ~~interest~~ as a public record in a memorandum filed with the
 159 person responsible for recording the minutes of the meeting, who
 160 shall incorporate the memorandum in the minutes.

161 (3) An appointed state public officer may not participate
 162 in any matter that would inure to the officer's special private
 163 gain or loss; that the officer knows would inure to the special
 164 private gain or loss of any principal by whom he or she is
 165 retained or to the parent organization, sibling, or subsidiary
 166 of a corporate principal by which he or she is retained, other
 167 than an agency as defined in s. 112.312(2); or that he or she

168 knows would inure to the special private gain or loss of a
169 relative or business associate of the public officer, without
170 first disclosing the nature of his or her interest in the
171 matter.

172 (a) Such disclosure, indicating the nature of all of his
173 or her interests in the matter and disclosing the nature of all
174 of the interests of the principals, relatives, or business
175 associates which are known to him or her, shall be made in a
176 written memorandum and filed with the person responsible for
177 recording the minutes of the meeting before the meeting in which
178 consideration of the matter will take place, and shall be
179 incorporated into the minutes. Any such memorandum becomes a
180 public record upon filing, shall immediately be provided to the
181 other members of the agency, and shall be read publicly at the
182 next meeting held subsequent to the filing of this written
183 memorandum.

184 (b) If disclosure is not made before the meeting or if any
185 conflict is unknown before the meeting, the disclosure shall be
186 made orally at the meeting when it becomes known that a conflict
187 exists. The written memorandum disclosing the nature of the
188 conflict must be filed with the person responsible for recording
189 the minutes of the meeting within 15 days after the oral
190 disclosure and shall be incorporated into the minutes of the
191 meeting at which the oral disclosure was made. Any such
192 memorandum becomes a public record upon filing, shall
193 immediately be provided to the other members of the agency, and
194 shall be read publicly at the next meeting held subsequent to
195 the filing of this written memorandum.

196 ~~(4)(3)~~(a) A ~~No~~ county, municipal, or other local public
 197 officer may not ~~shall~~ vote in an official capacity upon any
 198 measure that ~~which~~ would inure to his or her special private
 199 gain or loss; that ~~which~~ he or she knows would inure to the
 200 special private gain or loss of any principal by whom he or she
 201 is retained or to the parent organization, sibling, or
 202 subsidiary of a corporate principal by which he or she is
 203 retained, other than an agency as defined in s. 112.312(2); or
 204 that ~~which~~ he or she knows would inure to the special private
 205 gain or loss of a relative or business associate of the public
 206 officer. Such public officer shall, before ~~prior to~~ the vote is
 207 ~~being~~ taken, publicly state to the assembly the nature of all of
 208 the officer's interests ~~interest~~ in the matter, and all of the
 209 interests in the matter of his or her principals, relatives, or
 210 business associates which are known to him or her, from which he
 211 or she is abstaining from voting and, within 15 days after the
 212 vote occurs, disclose the nature of all of his or her interests
 213 in the matter, and disclose the nature of all of the interests
 214 of his or her principals, relatives, or business associates
 215 which are known to him or her, ~~his or her interest~~ as a public
 216 record in a memorandum filed with the person responsible for
 217 recording the minutes of the meeting, who shall incorporate the
 218 memorandum in the minutes.

219 (b) However, a commissioner of a community redevelopment
 220 agency created or designated pursuant to s. 163.356 or s.
 221 163.357, or an officer of an independent special tax district
 222 elected on a one-acre, one-vote basis, is not prohibited from
 223 voting, when voting in that ~~said~~ capacity.

224 ~~(4) No appointed public officer shall participate in any~~
225 ~~matter which would inure to the officer's special private gain~~
226 ~~or loss; which the officer knows would inure to the special~~
227 ~~private gain or loss of any principal by whom he or she is~~
228 ~~retained or to the parent organization or subsidiary of a~~
229 ~~corporate principal by which he or she is retained; or which he~~
230 ~~or she knows would inure to the special private gain or loss of~~
231 ~~a relative or business associate of the public officer, without~~
232 ~~first disclosing the nature of his or her interest in the~~
233 ~~matter.~~

234 ~~(a) Such disclosure, indicating the nature of the~~
235 ~~conflict, shall be made in a written memorandum filed with the~~
236 ~~person responsible for recording the minutes of the meeting,~~
237 ~~prior to the meeting in which consideration of the matter will~~
238 ~~take place, and shall be incorporated into the minutes. Any such~~
239 ~~memorandum shall become a public record upon filing, shall~~
240 ~~immediately be provided to the other members of the agency, and~~
241 ~~shall be read publicly at the next meeting held subsequent to~~
242 ~~the filing of this written memorandum.~~

243 ~~(b) In the event that disclosure has not been made prior~~
244 ~~to the meeting or that any conflict is unknown prior to the~~
245 ~~meeting, the disclosure shall be made orally at the meeting when~~
246 ~~it becomes known that a conflict exists. A written memorandum~~
247 ~~disclosing the nature of the conflict shall then be filed within~~
248 ~~15 days after the oral disclosure with the person responsible~~
249 ~~for recording the minutes of the meeting and shall be~~
250 ~~incorporated into the minutes of the meeting at which the oral~~
251 ~~disclosure was made. Any such memorandum shall become a public~~

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

256 (5) A county, municipal, or other local public officer may
257 not participate in any matter that would inure to the officer's
258 special private gain or loss; that the officer knows would inure
259 to the special private gain or loss of any principal by whom he
260 or she is retained or to the parent organization, sibling, or
261 subsidiary of a corporate principal by which he or she is
262 retained, other than an agency as defined in s. 112.312(2); or
263 that he or she knows would inure to the special private gain or
264 loss of a relative or business associate of the public officer,
265 without first disclosing the nature of his or her interest in
266 the matter.

267 (a) Such disclosure, indicating the nature of all of his
268 or her interests in the matter and disclosing the nature of all
269 of the interests of the principals, relatives, or business
270 associates which are known to him or her, shall be made in a
271 written memorandum and filed with the person responsible for
272 recording the minutes of the meeting before the meeting in which
273 consideration of the matter will take place, and shall be
274 incorporated into the minutes. Any such memorandum becomes a
275 public record upon filing, shall immediately be provided to the
276 other members of the agency, and shall be read publicly at the
277 next meeting held subsequent to the filing of this written
278 memorandum.

279 (b) If disclosure is not made before the meeting or if any
 280 conflict is unknown before the meeting, the disclosure shall be
 281 made orally at the meeting when it becomes known that a conflict
 282 exists. The written memorandum disclosing the nature of the
 283 conflict must be filed with the person responsible for recording
 284 the minutes of the meeting within 15 days after the oral
 285 disclosure and shall be incorporated into the minutes of the
 286 meeting at which the oral disclosure was made. Any such
 287 memorandum becomes a public record upon filing, shall
 288 immediately be provided to the other members of the agency, and
 289 shall be read publicly at the next meeting held subsequent to
 290 the filing of this written memorandum.

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

295 (7)-(5) Whenever a public officer or former public officer
 296 is being considered for appointment or reappointment to public
 297 office, the appointing body shall consider the number and nature
 298 of the memoranda of conflict previously filed under this section
 299 by the said officer.

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

302 112.3145 Disclosure of financial interests and clients
 303 represented before agencies.--

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

306 (a) "Local officer" means:

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

310 2. Any appointed member of any of the following boards,
 311 councils, commissions, authorities, or other bodies of any
 312 county, municipality, school district, independent special
 313 district, or other political subdivision of the state:

314 a. The governing body of the political subdivision, if
 315 appointed;

316 b. An expressway authority or transportation authority
 317 established by general law;

318 c. A community college or junior college district board of
 319 trustees;

320 d. A board having the power to enforce local code
 321 provisions;

322 e. A planning or zoning board, board of adjustment, board
 323 of appeals, community redevelopment agency board, or other board
 324 having the power to recommend, create, or modify land planning
 325 or zoning within the political subdivision, except for citizen
 326 advisory committees, technical coordinating committees, and such
 327 other groups who only have the power to make recommendations to
 328 planning or zoning boards;

329 f. A pension board or retirement board having the power to
 330 invest pension or retirement funds or the power to make a
 331 binding determination of one's entitlement to or amount of a
 332 pension or other retirement benefit; or

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

335 the appointing authority or the enabling legislation, ordinance,
 336 or resolution creating the board.

337 3. Any person holding one or more of the following
 338 positions: mayor; county or city manager; chief administrative
 339 employee of a county, municipality, or other political
 340 subdivision; county or municipal attorney; finance director of a
 341 county, municipality, or other political subdivision; chief
 342 county or municipal building code inspector; county or municipal
 343 water resources coordinator; county or municipal pollution
 344 control director; county or municipal environmental control
 345 director; county or municipal administrator, with power to grant
 346 or deny a land development permit; chief of police; fire chief;
 347 municipal clerk; district school superintendent; community
 348 college president; district medical examiner; or purchasing
 349 agent having the authority to make any purchase exceeding the
 350 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 351 behalf of any political subdivision of the state or any entity
 352 thereof.

353 (3) The statement of financial interests for state
 354 officers, specified state employees, local officers, and persons
 355 seeking to qualify as candidates for state or local office shall
 356 be filed even if the reporting person holds no financial
 357 interests requiring disclosure, in which case the statement
 358 shall be marked "not applicable." Otherwise, the statement of
 359 financial interests shall include, at the filer's option,
 360 either:

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

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

368 2. All sources of income to a business entity in excess of
369 10 percent of the gross income of a business entity in which the
370 reporting person held a material interest and from which he or
371 she received an amount which was in excess of 10 percent of his
372 or her gross income during the disclosure period and which
373 exceeds \$1,500. The period for computing the gross income of the
374 business entity is the fiscal year of the business entity which
375 ended on, or immediately prior to, the end of the disclosure
376 period of the person reporting;

377 3. The location or description of real property in this
378 state, except for residences and vacation homes, owned directly
379 or indirectly by the person reporting, when such person owns in
380 excess of 5 percent of the value of such real property, and a
381 general description of any intangible personal property worth in
382 excess of 10 percent of such person's total assets. For the
383 purposes of this paragraph, indirect ownership does not include
384 ownership by a spouse or minor child; and

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

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

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

394 2. All sources of income to a business entity in excess of
395 10 percent of the gross income of a business entity in which the
396 reporting person held a material interest and from which he or
397 she received gross income exceeding \$5,000 during the disclosure
398 period. The period for computing the gross income of the
399 business entity is the fiscal year of the business entity which
400 ended on, or immediately prior to, the end of the disclosure
401 period of the person reporting;

402 3. The location or description of real property in this
403 state, except for residence and vacation homes, owned directly
404 or indirectly by the person reporting, when such person owns in
405 excess of 5 percent of the value of such real property, and a
406 general description of any intangible personal property worth in
407 excess of \$10,000. For the purpose of this paragraph, indirect
408 ownership does not include ownership by a spouse or minor child;
409 and

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

411
412 A person filing a statement of financial interests shall
413 indicate on the statement whether he or she is using the method
414 specified in paragraph (a) or the method specified in paragraph
415 (b).

416 Section 6. Paragraph (e) of subsection (2), subsections
417 (3) and (4), and paragraph (a) of subsection (5) of section
418 112.3148, Florida Statutes, are amended, and paragraph (f) is

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

420 112.3148 Reporting and prohibited receipt of gifts by
 421 individuals filing full or limited public disclosure of
 422 financial interests and by procurement employees.--

423 (2) As used in this section:

424 (e) "Procurement employee" means any employee of an
 425 officer, department, board, commission, ~~or~~ council, or agency of
 426 the executive branch or judicial branch of state government who
 427 has participated in the preceding 12 months ~~participates~~ through
 428 decision, approval, disapproval, recommendation, preparation of
 429 any part of a purchase request, influencing the content of any
 430 specification or procurement standard, rendering of advice,
 431 investigation, or auditing or in any other advisory capacity in
 432 the procurement of contractual services or commodities as
 433 defined in s. 287.012, if the cost of such services or
 434 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

438 (3) A reporting individual or procurement employee is
 439 prohibited from soliciting any gift from a political committee
 440 or committee of continuous existence, as defined in s. 106.011,
 441 from a vendor doing business with the reporting individual's or
 442 procurement employee's agency, or from a lobbyist who lobbies
 443 the reporting individual's or procurement employee's agency, or
 444 the partner, firm, employer, or principal of such lobbyist,
 445 where such gift is for the personal benefit of the reporting
 446 individual or procurement employee, another reporting individual

447 or procurement employee, or any member of the immediate family
448 of a reporting individual or procurement employee.

449 (4) A reporting individual or procurement employee or any
450 other person on his or her behalf is prohibited from knowingly
451 accepting, directly or indirectly, a gift from a political
452 committee or committee of continuous existence, as defined in s.
453 106.011, from a vendor doing business with the reporting
454 individual's or procurement employee's agency, or from a
455 lobbyist who lobbies the reporting individual's or procurement
456 employee's agency, or directly or indirectly on behalf of the
457 partner, firm, employer, or principal of a lobbyist, if he or
458 she knows or reasonably believes that the gift has a value in
459 excess of \$100; however, such a gift may be accepted by such
460 person on behalf of a governmental entity or a charitable
461 organization. If the gift is accepted on behalf of a
462 governmental entity or charitable organization, the person
463 receiving the gift shall not maintain custody of the gift for
464 any period of time beyond that reasonably necessary to arrange
465 for the transfer of custody and ownership of the gift.

466 (5) (a) A political committee or a committee of continuous
467 existence, as defined in s. 106.011; a vendor doing business
468 with the reporting individual's or procurement employee's
469 agency; a lobbyist who lobbies a reporting individual's or
470 procurement employee's agency; the partner, firm, employer, or
471 principal of a lobbyist; or another on behalf of the lobbyist or
472 partner, firm, principal, or employer of the lobbyist is
473 prohibited from giving, either directly or indirectly, a gift
474 that has a value in excess of \$100 to the reporting individual

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

480 Section 7. Paragraph (e) of subsection (1) and subsections
 481 (3) and (4) of section 112.3149, Florida Statutes, are amended,
 482 and paragraph (f) is added to subsection (1) of that section, to
 483 read:

484 112.3149 Solicitation and disclosure of honoraria.--

485 (1) As used in this section:

486 (e) "Procurement employee" means any employee of an
 487 officer, department, board, commission, ~~or~~ council, or agency of
 488 the executive branch or judicial branch of state government who
 489 has participated in the preceding 12 months ~~participates~~ through
 490 decision, approval, disapproval, recommendation, preparation of
 491 any part of a purchase request, influencing the content of any
 492 specification or procurement standard, rendering of advice,
 493 investigation, or auditing or in any other advisory capacity in
 494 the procurement of contractual services or commodities as
 495 defined in s. 287.012, if the cost of such services or
 496 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

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

503 defined in s. 106.011, from a vendor doing business with the
 504 reporting individual's or procurement employee's agency, from a
 505 lobbyist who lobbies the reporting individual's or procurement
 506 employee's agency, or from the employer, principal, partner, or
 507 firm of such a lobbyist.

508 (4) A political committee or committee of continuous
 509 existence, as defined in s. 106.011, a vendor doing business
 510 with the reporting individual's or procurement employee's
 511 agency, a lobbyist who lobbies a reporting individual's or
 512 procurement employee's agency, or the employer, principal,
 513 partner, or firm of such a lobbyist is prohibited from giving an
 514 honorarium to a reporting individual or procurement employee.

515 Section 8. Subsection (8) of section 112.3215, Florida
 516 Statutes, is amended, present subsections (11), (12), (13), and
 517 (14) of that section are redesignated as subsections (12), (13),
 518 (14), and (15), respectively, and a new subsection (11) is added
 519 to that section, to read:

520 112.3215 Lobbying before the executive branch or the
 521 Constitution Revision Commission; registration and reporting;
 522 investigation by commission.--

523 (8)(a) The commission shall investigate every sworn
 524 complaint that is filed with it alleging that a person covered
 525 by this section has failed to register, has failed to submit a
 526 compensation report, has made a prohibited expenditure, or has
 527 knowingly submitted false information in any report or
 528 registration required in this section.

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

531 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
532 Constitution, and any meetings held pursuant to an investigation
533 are exempt from the provisions of s. 286.011(1) and s. 24(b),
534 Art. I of the State Constitution either until the alleged
535 violator requests in writing that such investigation and
536 associated records and meetings be made public or until the
537 commission determines, based on the investigation, whether
538 probable cause exists to believe that a violation has occurred.

539 (c) The commission shall investigate any lobbying firm,
540 lobbyist, principal, agency, officer, or employee upon receipt
541 of information from a sworn complaint or from a random audit of
542 lobbying reports indicating a possible violation other than a
543 late-filed report.

544 (d) Records relating to an audit conducted pursuant to
545 this section or an investigation conducted pursuant to this
546 section or s. 112.32155 are confidential and exempt from s.
547 119.07(1) and s. 24(a), Art. I of the State Constitution, and
548 any meetings held pursuant to such an investigation or at which
549 such an audit is discussed are exempt from s. 286.011 and s.
550 24(b), Art. I of the State Constitution either until the
551 lobbying firm requests in writing that such investigation and
552 associated records and meetings be made public or until the
553 commission determines there is probable cause that the audit
554 reflects a violation of the reporting laws. This paragraph is
555 subject to the Open Government Sunset Review Act in accordance
556 with s. 119.15 and shall stand repealed on October 2, 2011,
557 unless reviewed and saved from repeal through reenactment by the
558 Legislature.

559 (11) Any person who is required to be registered or to
560 provide information under this section or under rules adopted
561 pursuant to this section and who knowingly fails to disclose any
562 material fact that is required by this section or by rules
563 adopted pursuant to this section, or who knowingly provides
564 false information on any report required by this section or by
565 rules adopted pursuant to this section, commits a noncriminal
566 infraction, punishable by a fine not to exceed \$5,000. Such
567 penalty is in addition to any other penalty assessed by the
568 Governor and Cabinet pursuant to subsection (10).

569 Section 9. Section 112.3136, Florida Statutes, is created
570 to read:

571 112.3136 Standards of conduct for officers and employees
572 of entities serving as chief administrative officer of political
573 subdivisions.--The officers, directors, and chief executive
574 officer of a corporation, partnership, or other business entity
575 that is serving as the chief administrative or executive officer
576 or employee of a political subdivision, and any business entity
577 employee who is acting as the chief administrative or executive
578 officer or employee of the political subdivision, shall be
579 treated as public officers and employees for the purpose of the
580 following sections:

581 (1) Section 112.313, and their "agency" is the political
582 subdivision that they serve; however, the contract under which
583 the business entity serves as chief executive or administrative
584 officer of the political subdivision is not deemed to violate s.
585 112.313(3) or (7).

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

587 (3) Sections 112.3148 and 112.3149, as a "reporting
 588 individual."

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

591 112.317 Penalties.--

592 (1) Violation of any provision of this part, including,
 593 but not limited to, any failure to file any disclosures required
 594 by this part or violation of any standard of conduct imposed by
 595 this part, or violation of any provision of s. 8, Art. II of the
 596 State Constitution, in addition to any criminal penalty or other
 597 civil penalty involved, shall, under applicable constitutional
 598 and statutory procedures, constitute grounds for, and may be
 599 punished by, one or more of the following:

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

604 1. Public censure and reprimand.

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

606 3. Restitution of any pecuniary benefits received because
 607 of the violation committed. The commission may recommend that
 608 the restitution penalty be paid to the agency of the person or
 609 to the General Revenue Fund.

610 Section 11. Paragraph (d) of subsection (8) of section
 611 112.324, Florida Statutes, is amended to read:

612 112.324 Procedures on complaints of violations; public
 613 records and meeting exemptions.--

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

615 | complaints against impeachable officers or members of the
 616 | Legislature, upon completion of a full and final investigation
 617 | by the commission, the commission finds that there has been a
 618 | violation of this part or of s. 8, Art. II of the State
 619 | Constitution, it shall be the duty of the commission to report
 620 | its findings and recommend appropriate action to the proper
 621 | disciplinary official or body as follows, and such official or
 622 | body shall have the power to invoke the penalty provisions of
 623 | this part, including the power to order the appropriate
 624 | elections official to remove a candidate from the ballot for a
 625 | violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 626 | State Constitution:

627 | (d) Except as otherwise provided by this part, the
 628 | Governor, in the case of any other public officer, public
 629 | employee, former public officer or public employee, candidate,
 630 | or former candidate, or person who is not a public officer or
 631 | employee, other than lobbyists and lobbying firms under s.
 632 | 112.3215 for violations of s. 112.3215.

633 | Section 12. Paragraph (a) of subsection (5) of section
 634 | 411.01, Florida Statutes, is amended to read:

635 | 411.01 School readiness programs; early learning
 636 | coalitions.--

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

638 | (a) Early learning coalitions.--

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

643 | readiness plans in accordance with this minimum number. The
 644 | minimum number must be uniform for every early learning
 645 | coalition and must:

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

651 |
 652 | The Agency for Workforce Innovation shall adopt procedures for
 653 | merging early learning coalitions, including procedures for the
 654 | consolidation of merging coalitions, and for the early
 655 | termination of the terms of coalition members which are
 656 | necessary to accomplish the mergers. Each early learning
 657 | coalition must comply with the merger procedures and shall be
 658 | organized in accordance with this subparagraph by April 1, 2005.
 659 | By June 30, 2005, each coalition must complete the transfer of
 660 | powers, duties, functions, rules, records, personnel, property,
 661 | and unexpended balances of appropriations, allocations, and
 662 | other funds to the successor coalition, if applicable.

663 | 2. If an early learning coalition would serve fewer
 664 | children than the minimum number established under subparagraph
 665 | 1., the coalition must merge with another county to form a
 666 | multicounty coalition. However, the Agency for Workforce
 667 | Innovation may authorize an early learning coalition to serve
 668 | fewer children than the minimum number established under
 669 | subparagraph 1., if:

670 a. The coalition demonstrates to the Agency for Workforce
671 Innovation that merging with another county or multicounty
672 region contiguous to the coalition would cause an extreme
673 hardship on the coalition;

674 b. The Agency for Workforce Innovation has determined
675 during the most recent annual review of the coalition's school
676 readiness plan, or through monitoring and performance
677 evaluations conducted under paragraph (4)(1), that the coalition
678 has substantially implemented its plan and substantially met the
679 performance standards and outcome measures adopted by the
680 agency; and

681 c. The coalition demonstrates to the Agency for Workforce
682 Innovation the coalition's ability to effectively and
683 efficiently implement the Voluntary Prekindergarten Education
684 Program.

685
686 If an early learning coalition fails or refuses to merge as
687 required by this subparagraph, the Agency for Workforce
688 Innovation may dissolve the coalition and temporarily contract
689 with a qualified entity to continue school readiness and
690 prekindergarten services in the coalition's county or
691 multicounty region until the coalition is reestablished through
692 resubmission of a school readiness plan and approval by the
693 agency.

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

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

700 4. Each early learning coalition shall be composed of at
701 least 18 members but not more than 35 members. The Agency for
702 Workforce Innovation shall adopt standards establishing within
703 this range the minimum and maximum number of members that may be
704 appointed to an early learning coalition. These standards must
705 include variations for a coalition serving a multicounty region.
706 Each early learning coalition must comply with these standards.

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

711 6. Each early learning coalition must include the
712 following members:

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

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

719 c. A regional workforce board executive director or his or
720 her designee.

721 d. A county health department director or his or her
722 designee.

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

726 the coalition or if the council or board contracts with and
 727 receives funds from the coalition.

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

730 g. A president of a community college or his or her
 731 designee.

732 h. One member appointed by a board of county
 733 commissioners.

734 i. A central agency administrator, where applicable, who
 735 shall be a nonvoting member.

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

737 k. A representative of private child care providers,
 738 including family day care homes, who shall be a nonvoting
 739 member.

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

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

745 7. Including the members appointed by the Governor under
 746 subparagraph 5., more than one-third of the members of each
 747 early learning coalition must be private sector business members
 748 who do not have, and none of whose relatives as defined in s.
 749 112.3143 has, a substantial financial interest in the design or
 750 delivery of the Voluntary Prekindergarten Education Program
 751 created under part V of chapter 1002 or the coalition's school
 752 readiness program. To meet this requirement an early learning
 753 coalition must appoint additional members from a list of

754 nominees submitted to the coalition by a chamber of commerce or
755 economic development council within the geographic region served
756 by the coalition. The Agency for Workforce Innovation shall
757 establish criteria for appointing private sector business
758 members. These criteria must include standards for determining
759 whether a member or relative has a substantial financial
760 interest in the design or delivery of the Voluntary
761 Prekindergarten Education Program or the coalition's school
762 readiness program.

763 8. A majority of the voting membership of an early
764 learning coalition constitutes a quorum required to conduct the
765 business of the coalition.

766 9. A voting member of an early learning coalition may not
767 appoint a designee to act in his or her place, except as
768 otherwise provided in this paragraph. A voting member may send a
769 representative to coalition meetings, but that representative
770 does not have voting privileges. When a district administrator
771 for the Department of Children and Family Services appoints a
772 designee to an early learning coalition, the designee is the
773 voting member of the coalition, and any individual attending in
774 the designee's place, including the district administrator, does
775 not have voting privileges.

776 10. Each member of an early learning coalition is subject
777 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
778 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is a local
779 public officer who must abstain from voting when a voting
780 conflict exists.

781 11. For purposes of tort liability, each member or
782 employee of an early learning coalition shall be governed by s.
783 768.28.

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

786 13. Each early learning coalition shall establish terms
787 for all appointed members of the coalition. The terms must be
788 staggered and must be a uniform length that does not exceed 4
789 years per term. Appointed members may serve a maximum of two
790 consecutive terms. When a vacancy occurs in an appointed
791 position, the coalition must advertise the vacancy.

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