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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/11/2008	.	
	.	
	.	

1 The Committee on Ethics and Elections (Constantine) recommended
 2 the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

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

9 112.312 Definitions.--As used in this part and for
 10 purposes of the provisions of s. 8, Art. II of the State
 11 Constitution, unless the context otherwise requires:

12 (5) "Business entity" means any corporation, company,
 13 partnership, limited partnership, proprietorship, firm,
 14 enterprise, franchise, association, self-employed individual, or

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15 trust, whether fictitiously named or not, doing business in this
16 state.

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

19 112.313 Standards of conduct for public officers,
20 employees of agencies, and local government attorneys.--

21 (16) LOCAL GOVERNMENT ATTORNEYS.--

22 (d) If a public officer or employee seeks advice from the
23 local government attorney regarding the officer's or employee's
24 compliance with any standard of conduct, voting provision,
25 disclosure requirement, or other provision of this part or s. 8,
26 Art. II of the State Constitution, the local government attorney
27 shall advise the officer or employee that the local government
28 attorney is the attorney for the unit of local government and is
29 not the officer's or employee's attorney; that, in addition to
30 or in place of advice on the ethics matter from the local
31 government attorney, the officer or employee should seek advice
32 on the ethics matter from the commission; and that the officer
33 or employee may be penalized in a proceeding relating to an
34 ethics complaint notwithstanding the fact that the officer or
35 employee sought the advice of the local government attorney on
36 the ethics matter. Failure to provide such advice does not
37 constitute a violation of this part and is not punishable under
38 s. 112.317.

39 Section 3. Paragraph (a) of subsection (2) of section
40 112.3135, Florida Statutes, is amended to read:

41 112.3135 Restriction on employment of relatives.--

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42 (2) (a) A public official may not appoint, employ, promote,
43 or advance, or advocate for appointment, employment, promotion,
44 or advancement, in or to a position in the agency in which the
45 official is serving or over which the official, or collegial
46 body of which the official is a member, exercises jurisdiction
47 or control, any individual who is a relative of the public
48 official. An individual who is a relative of a public official
49 is not eligible for appointment, employment, promotion, or
50 advancement may not be appointed, employed, promoted, or
51 advanced in or to a position in an agency in which the official
52 is serving or over which the official, or the collegial body of
53 which the official is a member, exercises jurisdiction or
54 control. If a prohibited appointment, employment, promotion, or
55 advancement occurs, both the official and the individual shall
56 be subject to penalties under s. 112.317; however, if the
57 appointment, employment, promotion, or advancement is made by
58 the collegial body of which the official is a member without the
59 official's participation, only the individual shall be subject
60 to penalties under s. 112.317. if such appointment, employment,
61 promotion, or advancement has been advocated by a public
62 official, serving in or exercising jurisdiction or control over
63 the agency, who is a relative of the individual or if such
64 appointment, employment, promotion, or advancement is made by a
65 collegial body of which a relative of the individual is a
66 member. However, this subsection does ~~shall~~ not apply to
67 appointments to boards other than those with land-planning or
68 zoning responsibilities in those municipalities with less than
69 35,000 population. This subsection does not apply to persons

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70 serving in a volunteer capacity who provide emergency medical,
71 firefighting, or police services. Such persons may receive,
72 without losing their volunteer status, reimbursements for the
73 costs of any training they get relating to the provision of
74 volunteer emergency medical, firefighting, or police services
75 and payment for any incidental expenses relating to those
76 services that they provide.

77 Section 4. Section 112.3143, Florida Statutes, is amended
78 to read:

79 112.3143 Voting conflicts.--

80 (1) As used in this section:

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

84 (b) "Relative" means any father, mother, son, daughter,
85 husband, wife, brother, sister, father-in-law, mother-in-law,
86 son-in-law, or daughter-in-law.

87 (2) A ~~No~~ state public officer is not prohibited from
88 voting in an official capacity on any matter. However, any state
89 public officer voting in an official capacity upon any measure
90 that ~~which~~ would inure to the officer's special private gain or
91 loss; that ~~which~~ he or she knows would inure to the special
92 private gain or loss of any principal by whom the officer is
93 retained or to the parent organization, sibling, or subsidiary
94 of a corporate principal by which the officer is retained, other
95 than an agency as defined in s. 112.312(2); or that ~~which~~ the
96 officer knows would inure to the special private gain or loss of
97 a relative or business associate of the public officer shall,

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98 within 15 days after the vote occurs, disclose the nature of all
99 of his or her interests in the matter, and disclose the nature
100 of all of the interests of his or her principals, relatives, or
101 business associates which are known to him or her, ~~his or her~~
102 ~~interest~~ as a public record in a memorandum filed with the
103 person responsible for recording the minutes of the meeting, who
104 shall incorporate the memorandum in the minutes.

105 (3) An appointed state public officer may not participate
106 in any matter that would inure to the officer's special private
107 gain or loss; that the officer knows would inure to the special
108 private gain or loss of any principal by whom he or she is
109 retained or to the parent organization, sibling, or subsidiary
110 of a corporate principal by which he or she is retained, other
111 than an agency as defined in s. 112.312(2); or that he or she
112 knows would inure to the special private gain or loss of a
113 relative or business associate of the public officer, without
114 first disclosing the nature of his or her interest in the
115 matter.

116 (a) Such disclosure, indicating the nature of all of his
117 or her interests in the matter and disclosing the nature of all
118 of the interests of the principals, relatives, or business
119 associates which are known to him or her, shall be made in a
120 written memorandum and filed with the person responsible for
121 recording the minutes of the meeting before the meeting in which
122 consideration of the matter will take place, and shall be
123 incorporated into the minutes. Any such memorandum becomes a
124 public record upon filing, shall immediately be provided to the
125 other members of the agency, and shall be read publicly at the



126 next meeting held subsequent to the filing of this written
127 memorandum.

128 (b) If disclosure is not made before the meeting or if any
129 conflict is unknown before the meeting, the disclosure shall be
130 made orally at the meeting when it becomes known that a conflict
131 exists. The written memorandum disclosing the nature of the
132 conflict must be filed with the person responsible for recording
133 the minutes of the meeting within 15 days after the oral
134 disclosure and shall be incorporated into the minutes of the
135 meeting at which the oral disclosure was made. Any such
136 memorandum becomes a public record upon filing, shall
137 immediately be provided to the other members of the agency, and
138 shall be read publicly at the next meeting held subsequent to
139 the filing of this written memorandum.

140 (4) ~~(3)~~ (a) A ~~Ne~~ county, municipal, or other local public
141 officer ~~may not shall~~ vote in an official capacity upon any
142 measure ~~that which~~ would inure to his or her special private
143 gain or loss; ~~that which~~ he or she knows would inure to the
144 special private gain or loss of any principal by whom he or she
145 is retained or to the parent organization, sibling, or
146 subsidiary of a corporate principal by which he or she is
147 retained, other than an agency as defined in s. 112.312(2); or
148 ~~that which~~ he or she knows would inure to the special private
149 gain or loss of a relative or business associate of the public
150 officer. Such public officer shall, before ~~prior to~~ the vote is
151 ~~being~~ taken, publicly state to the assembly the nature of all of
152 the officer's interests ~~interest~~ in the matter, and all of the
153 interests in the matter of his or her principals, relatives, or

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154 business associates which are known to him or her, from which he
155 or she is abstaining from voting and, within 15 days after the
156 vote occurs, disclose the nature of all of his or her interests
157 in the matter, and disclose the nature of all of the interests
158 of his or her principals, relatives, or business associates
159 which are known to him or her, ~~his or her interest~~ as a public
160 record in a memorandum filed with the person responsible for
161 recording the minutes of the meeting, who shall incorporate the
162 memorandum in the minutes.

163 (b) However, a commissioner of a community redevelopment
164 agency created or designated pursuant to s. 163.356 or s.
165 163.357, or an officer of an independent special tax district
166 elected on a one-acre, one-vote basis, is not prohibited from
167 voting, when voting in that ~~said~~ capacity.

168 ~~(4) No appointed public officer shall participate in any~~
169 ~~matter which would inure to the officer's special private gain~~
170 ~~or loss; which the officer knows would inure to the special~~
171 ~~private gain or loss of any principal by whom he or she is~~
172 ~~retained or to the parent organization or subsidiary of a~~
173 ~~corporate principal by which he or she is retained; or which he~~
174 ~~or she knows would inure to the special private gain or loss of~~
175 ~~a relative or business associate of the public officer, without~~
176 ~~first disclosing the nature of his or her interest in the~~
177 ~~matter.~~

178 ~~(a) Such disclosure, indicating the nature of the~~
179 ~~conflict, shall be made in a written memorandum filed with the~~
180 ~~person responsible for recording the minutes of the meeting,~~
181 ~~prior to the meeting in which consideration of the matter will~~

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182 ~~take place, and shall be incorporated into the minutes. Any such~~
183 ~~memorandum shall become a public record upon filing, shall~~
184 ~~immediately be provided to the other members of the agency, and~~
185 ~~shall be read publicly at the next meeting held subsequent to~~
186 ~~the filing of this written memorandum.~~

187 ~~(b) In the event that disclosure has not been made prior~~
188 ~~to the meeting or that any conflict is unknown prior to the~~
189 ~~meeting, the disclosure shall be made orally at the meeting when~~
190 ~~it becomes known that a conflict exists. A written memorandum~~
191 ~~disclosing the nature of the conflict shall then be filed within~~
192 ~~15 days after the oral disclosure with the person responsible~~
193 ~~for recording the minutes of the meeting and shall be~~
194 ~~incorporated into the minutes of the meeting at which the oral~~
195 ~~disclosure was made. Any such memorandum shall become a public~~
196 ~~record upon filing, shall immediately be provided to the other~~
197 ~~members of the agency, and shall be read publicly at the next~~
198 ~~meeting held subsequent to the filing of this written~~
199 ~~memorandum.~~

200 (5) A county, municipal, or other local public officer may
201 not participate in any matter that would inure to the officer's
202 special private gain or loss; that the officer knows would inure
203 to the special private gain or loss of any principal by whom he
204 or she is retained or to the parent organization, sibling, or
205 subsidiary of a corporate principal by which he or she is
206 retained, other than an agency as defined in s. 112.312(2); or
207 that he or she knows would inure to the special private gain or
208 loss of a relative or business associate of the public officer,



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209 without first disclosing the nature of his or her interest in
210 the matter.

211 (a) Such disclosure, indicating the nature of all of his
212 or her interests in the matter and disclosing the nature of all
213 of the interests of the principals, relatives, or business
214 associates which are known to him or her, shall be made in a
215 written memorandum and filed with the person responsible for
216 recording the minutes of the meeting before the meeting in which
217 consideration of the matter will take place, and shall be
218 incorporated into the minutes. Any such memorandum becomes a
219 public record upon filing, shall immediately be provided to the
220 other members of the agency, and shall be read publicly at the
221 next meeting held subsequent to the filing of this written
222 memorandum.

223 (b) If disclosure is not made before the meeting or if any
224 conflict is unknown before the meeting, the disclosure shall be
225 made orally at the meeting when it becomes known that a conflict
226 exists. The written memorandum disclosing the nature of the
227 conflict must be filed with the person responsible for recording
228 the minutes of the meeting within 15 days after the oral
229 disclosure and shall be incorporated into the minutes of the
230 meeting at which the oral disclosure was made. Any such
231 memorandum becomes a public record upon filing, shall
232 immediately be provided to the other members of the agency, and
233 shall be read publicly at the next meeting held subsequent to
234 the filing of this written memorandum.

235 (6)(e) For purposes of this ~~section~~ subsection, the term
236 "participate" means any attempt to influence the decision by

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237 oral or written communication, whether made by the officer or at
238 the officer's direction.

239 ~~(7)(5)~~ Whenever a public officer or former public officer
240 is being considered for appointment or reappointment to public
241 office, the appointing body shall consider the number and nature
242 of the memoranda of conflict previously filed under this section
243 by the ~~said~~ officer.

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

246 112.3145 Disclosure of financial interests and clients
247 represented before agencies.--

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

250 (a) "Local officer" means:

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

254 2. Any appointed member of any of the following boards,
255 councils, commissions, authorities, or other bodies of any
256 county, municipality, school district, independent special
257 district, or other political subdivision of the state:

258 a. The governing body of the political subdivision, if
259 appointed;

260 b. An expressway authority or transportation authority
261 established by general law;

262 c. A community college or junior college district board of
263 trustees;



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264 d. A board having the power to enforce local code
265 provisions;

266 e. A planning or zoning board, board of adjustment, board
267 of appeals, community redevelopment agency board, or other board
268 having the power to recommend, create, or modify land planning
269 or zoning within the political subdivision, except for citizen
270 advisory committees, technical coordinating committees, and such
271 other groups who only have the power to make recommendations to
272 planning or zoning boards;

273 f. A pension board or retirement board having the power to
274 invest pension or retirement funds or the power to make a
275 binding determination of one's entitlement to or amount of a
276 pension or other retirement benefit; or

277 g. Any other appointed member of a local government board
278 who is required to file a statement of financial interests by
279 the appointing authority or the enabling legislation, ordinance,
280 or resolution creating the board.

281 3. Any person holding one or more of the following
282 positions: mayor; county or city manager; chief administrative
283 employee of a county, municipality, or other political
284 subdivision; county or municipal attorney; finance director of a
285 county, municipality, or other political subdivision; chief
286 county or municipal building code inspector; county or municipal
287 water resources coordinator; county or municipal pollution
288 control director; county or municipal environmental control
289 director; county or municipal administrator, with power to grant
290 or deny a land development permit; chief of police; fire chief;
291 municipal clerk; district school superintendent; community



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292 college president; district medical examiner; or purchasing
293 agent having the authority to make any purchase exceeding the
294 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
295 behalf of any political subdivision of the state or any entity
296 thereof.

297 (3) The statement of financial interests for state
298 officers, specified state employees, local officers, and persons
299 seeking to qualify as candidates for state or local office shall
300 be filed even if the reporting person holds no financial
301 interests requiring disclosure, in which case the statement
302 shall be marked "not applicable." Otherwise, the statement of
303 financial interests shall include, at the filer's option,
304 either:

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

312 2. All sources of income to a business entity in excess of
313 10 percent of the gross income of a business entity in which the
314 reporting person held a material interest and from which he or
315 she received an amount which was in excess of 10 percent of his
316 or her gross income during the disclosure period and which
317 exceeds \$1,500. The period for computing the gross income of the
318 business entity is the fiscal year of the business entity which

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319 ended on, or immediately prior to, the end of the disclosure
320 period of the person reporting;

321 3. The location or description of real property in this
322 state, except for residences and vacation homes, owned directly
323 or indirectly by the person reporting, when such person owns in
324 excess of 5 percent of the value of such real property, and a
325 general description of any intangible personal property worth in
326 excess of 10 percent of such person's total assets. For the
327 purposes of this paragraph, indirect ownership does not include
328 ownership by a spouse or minor child; and

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

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

338 2. All sources of income to a business entity in excess of
339 10 percent of the gross income of a business entity in which the
340 reporting person held a material interest and from which he or
341 she received gross income exceeding \$5,000 during the disclosure
342 period. The period for computing the gross income of the
343 business entity is the fiscal year of the business entity which
344 ended on, or immediately prior to, the end of the disclosure
345 period of the person reporting;

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346 3. The location or description of real property in this
347 state, except for residence and vacation homes, owned directly
348 or indirectly by the person reporting, when such person owns in
349 excess of 5 percent of the value of such real property, and a
350 general description of any intangible personal property worth in
351 excess of \$10,000. For the purpose of this paragraph, indirect
352 ownership does not include ownership by a spouse or minor child;
353 and

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

355
356 A person filing a statement of financial interests shall
357 indicate on the statement whether he or she is using the method
358 specified in paragraph (a) or the method specified in paragraph
359 (b).

360 Section 6. Paragraph (e) of subsection (2), subsection
361 (3), subsection (4), and paragraph (a) of subsection (5) of
362 section 112.3148, Florida Statutes, are amended, and paragraph
363 (f) is added to subsection (2) of that section, to read:

364 112.3148 Reporting and prohibited receipt of gifts by
365 individuals filing full or limited public disclosure of
366 financial interests and by procurement employees.--

367 (2) As used in this section:

368 (e) "Procurement employee" means any employee of an
369 officer, department, board, commission, ~~or~~ council, or agency of
370 the executive branch or judicial branch of state government who
371 has participated in the preceding 12 months ~~participates~~ through
372 decision, approval, disapproval, recommendation, preparation of
373 any part of a purchase request, influencing the content of any



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374 specification or procurement standard, rendering of advice,
375 investigation, or auditing or in any other advisory capacity in
376 the procurement of contractual services or commodities as
377 defined in s. 287.012, if the cost of such services or
378 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

382 (3) A reporting individual or procurement employee is
383 prohibited from soliciting any gift from a political committee
384 or committee of continuous existence, as defined in s. 106.011,
385 from a vendor doing business with the reporting individual's or
386 procurement employee's agency, or from a lobbyist who lobbies
387 the reporting individual's or procurement employee's agency, or
388 the partner, firm, employer, or principal of such lobbyist,
389 where such gift is for the personal benefit of the reporting
390 individual or procurement employee, another reporting individual
391 or procurement employee, or any member of the immediate family
392 of a reporting individual or procurement employee.

393 (4) A reporting individual or procurement employee or any
394 other person on his or her behalf is prohibited from knowingly
395 accepting, directly or indirectly, a gift from a political
396 committee or committee of continuous existence, as defined in s.
397 106.011, from a vendor doing business with the reporting
398 individual's or procurement employee's agency, or from a
399 lobbyist who lobbies the reporting individual's or procurement
400 employee's agency, or directly or indirectly on behalf of the
401 partner, firm, employer, or principal of a lobbyist, if he or

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402 she knows or reasonably believes that the gift has a value in
403 excess of \$100; however, such a gift may be accepted by such
404 person on behalf of a governmental entity or a charitable
405 organization. If the gift is accepted on behalf of a
406 governmental entity or charitable organization, the person
407 receiving the gift shall not maintain custody of the gift for
408 any period of time beyond that reasonably necessary to arrange
409 for the transfer of custody and ownership of the gift.

410 (5) (a) A political committee or a committee of continuous
411 existence, as defined in s. 106.011; a vendor doing business
412 with the reporting individual's or procurement employee's
413 agency; a lobbyist who lobbies a reporting individual's or
414 procurement employee's agency; the partner, firm, employer, or
415 principal of a lobbyist; or another on behalf of the lobbyist or
416 partner, firm, principal, or employer of the lobbyist is
417 prohibited from giving, either directly or indirectly, a gift
418 that has a value in excess of \$100 to the reporting individual
419 or procurement employee or any other person on his or her
420 behalf; however, such person may give a gift having a value in
421 excess of \$100 to a reporting individual or procurement employee
422 if the gift is intended to be transferred to a governmental
423 entity or a charitable organization.

424 Section 7. Paragraph (e) of subsection (1) and subsections
425 (3) and (4) of section 112.3149, Florida Statutes, are amended,
426 and paragraph (f) is added to subsection (1) of that section, to
427 read:

428 112.3149 Solicitation and disclosure of honoraria.--

429 (1) As used in this section:



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

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

444 (3) A reporting individual or procurement employee is
445 prohibited from knowingly accepting an honorarium from a
446 political committee or committee of continuous existence, as
447 defined in s. 106.011, from a vendor doing business with the
448 reporting individual's or procurement employee's agency, from a
449 lobbyist who lobbies the reporting individual's or procurement
450 employee's agency, or from the employer, principal, partner, or
451 firm of such a lobbyist.

452 (4) A political committee or committee of continuous
453 existence, as defined in s. 106.011, a vendor doing business
454 with the reporting individual's or procurement employee's
455 agency, a lobbyist who lobbies a reporting individual's or
456 procurement employee's agency, or the employer, principal,

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457 partner, or firm of such a lobbyist is prohibited from giving an
458 honorarium to a reporting individual or procurement employee.

459 Section 8. Subsection (8) of section 112.3215, Florida
460 Statutes, is amended, present subsections (11), (12), (13), and
461 (14) of that section are redesignated as subsections (12), (13),
462 (14), and (15), respectively, and a new subsection (11) is added
463 to that section, to read:

464 112.3215 Lobbying before the executive branch or the
465 Constitution Revision Commission; registration and reporting;
466 investigation by commission.--

467 (8)(a) The commission shall investigate every sworn
468 complaint that is filed with it alleging that a person covered
469 by this section has failed to register, has failed to submit a
470 compensation report, has made a prohibited expenditure, or has
471 knowingly submitted false information in any report or
472 registration required in this section.

473 (b) All proceedings, the complaint, and other records
474 relating to the investigation are confidential and exempt from
475 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
476 Constitution, and any meetings held pursuant to an investigation
477 are exempt from the provisions of s. 286.011(1) and s. 24(b),
478 Art. I of the State Constitution either until the alleged
479 violator requests in writing that such investigation and
480 associated records and meetings be made public or until the
481 commission determines, based on the investigation, whether
482 probable cause exists to believe that a violation has occurred.

483 (c) The commission shall investigate any lobbying firm,
484 lobbyist, principal, agency, officer, or employee upon receipt

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485 of information from a sworn complaint or from a random audit of
486 lobbying reports indicating a possible violation other than a
487 late-filed report.

488 (d) Records relating to an audit conducted pursuant to
489 this section or an investigation conducted pursuant to this
490 section or s. 112.32155 are confidential and exempt from s.
491 119.07(1) and s. 24(a), Art. I of the State Constitution, and
492 any meetings held pursuant to such an investigation or at which
493 such an audit is discussed are exempt from s. 286.011 and s.
494 24(b), Art. I of the State Constitution either until the
495 lobbying firm requests in writing that such investigation and
496 associated records and meetings be made public or until the
497 commission determines there is probable cause that the audit
498 reflects a violation of the reporting laws. This paragraph is
499 subject to the Open Government Sunset Review Act in accordance
500 with s. 119.15 and shall stand repealed on October 2, 2011,
501 unless reviewed and saved from repeal through reenactment by the
502 Legislature.

503 (11) Any person who is required to be registered or to
504 provide information under this section or under rules adopted
505 pursuant to this section and who knowingly fails to disclose any
506 material fact that is required by this section or by rules
507 adopted pursuant to this section, or who knowingly provides
508 false information on any report required by this section or by
509 rules adopted pursuant to this section, commits a noncriminal
510 infraction, punishable by a fine not to exceed \$5,000. Such
511 penalty is in addition to any other penalty assessed by the
512 Governor and Cabinet pursuant to subsection (10).

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513 Section 9. Section 112.3136, Florida Statutes, is created
514 to read:

515 112.3136 Standards of conduct for officers and employees
516 of entities serving as chief administrative officer of political
517 subdivisions.--The officers, directors, and chief executive
518 officer of a corporation, partnership, or other business entity
519 that is serving as the chief administrative or executive officer
520 or employee of a political subdivision, and any business entity
521 employee who is acting as the chief administrative or executive
522 officer or employee of the political subdivision, shall be
523 treated as public officers and employees for the purpose of the
524 following sections:

525 (1) Section 112.313, and their "agency" is the political
526 subdivision that they serve; however, the contract under which
527 the business entity serves as chief executive or administrative
528 officer of the political subdivision is not deemed to violate s.
529 112.313(3).

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

531 (3) Sections 112.3148 and 112.3149, as a "reporting
532 individual."

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

535 112.317 Penalties.--

536 (1) Violation of any provision of this part, including,
537 but not limited to, any failure to file any disclosures required
538 by this part or violation of any standard of conduct imposed by
539 this part, or violation of any provision of s. 8, Art. II of the
540 State Constitution, in addition to any criminal penalty or other

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541 civil penalty involved, shall, under applicable constitutional
542 and statutory procedures, constitute grounds for, and may be
543 punished by, one or more of the following:

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

548 1. Public censure and reprimand.

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

550 3. Restitution of any pecuniary benefits received because
551 of the violation committed. The commission may recommend that
552 the restitution penalty be paid to the agency of the person or
553 to the General Revenue Fund.

554 Section 11. Paragraph (d) of subsection (8) of section
555 112.324, Florida Statutes, is amended to read:

556 112.324 Procedures on complaints of violations; public
557 records and meeting exemptions.--

558 (8) If, in cases pertaining to complaints other than
559 complaints against impeachable officers or members of the
560 Legislature, upon completion of a full and final investigation
561 by the commission, the commission finds that there has been a
562 violation of this part or of s. 8, Art. II of the State
563 Constitution, it shall be the duty of the commission to report
564 its findings and recommend appropriate action to the proper
565 disciplinary official or body as follows, and such official or
566 body shall have the power to invoke the penalty provisions of
567 this part, including the power to order the appropriate
568 elections official to remove a candidate from the ballot for a

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569 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
570 State Constitution:

571 (d) Except as otherwise provided by this part, the
572 Governor, in the case of any other public officer, public
573 employee, former public officer or public employee, candidate,
574 or former candidate, or person who is not a public officer or
575 employee, other than lobbyists and lobbying firms under s.
576 112.3215 for violations of s. 112.3215.

577 Section 12. Paragraph (a) of subsection (5) of section
578 411.01, Florida Statutes, is amended to read:

579 411.01 School readiness programs; early learning
580 coalitions.--

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

582 (a) Early learning coalitions.--

583 1. The Agency for Workforce Innovation shall establish the
584 minimum number of children to be served by each early learning
585 coalition through the coalition's school readiness program. The
586 Agency for Workforce Innovation may only approve school
587 readiness plans in accordance with this minimum number. The
588 minimum number must be uniform for every early learning
589 coalition and must:

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

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

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596 The Agency for Workforce Innovation shall adopt procedures for
597 merging early learning coalitions, including procedures for the
598 consolidation of merging coalitions, and for the early
599 termination of the terms of coalition members which are
600 necessary to accomplish the mergers. Each early learning
601 coalition must comply with the merger procedures and shall be
602 organized in accordance with this subparagraph by April 1, 2005.
603 By June 30, 2005, each coalition must complete the transfer of
604 powers, duties, functions, rules, records, personnel, property,
605 and unexpended balances of appropriations, allocations, and
606 other funds to the successor coalition, if applicable.

607 2. If an early learning coalition would serve fewer
608 children than the minimum number established under subparagraph
609 1., the coalition must merge with another county to form a
610 multicounty coalition. However, the Agency for Workforce
611 Innovation may authorize an early learning coalition to serve
612 fewer children than the minimum number established under
613 subparagraph 1., if:

614 a. The coalition demonstrates to the Agency for Workforce
615 Innovation that merging with another county or multicounty
616 region contiguous to the coalition would cause an extreme
617 hardship on the coalition;

618 b. The Agency for Workforce Innovation has determined
619 during the most recent annual review of the coalition's school
620 readiness plan, or through monitoring and performance
621 evaluations conducted under paragraph (4)(1), that the coalition
622 has substantially implemented its plan and substantially met the

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623 performance standards and outcome measures adopted by the
624 agency; and

625 c. The coalition demonstrates to the Agency for Workforce
626 Innovation the coalition's ability to effectively and
627 efficiently implement the Voluntary Prekindergarten Education
628 Program.

629

630 If an early learning coalition fails or refuses to merge as
631 required by this subparagraph, the Agency for Workforce
632 Innovation may dissolve the coalition and temporarily contract
633 with a qualified entity to continue school readiness and
634 prekindergarten services in the coalition's county or
635 multicounty region until the coalition is reestablished through
636 resubmission of a school readiness plan and approval by the
637 agency.

638 3. Notwithstanding the provisions of subparagraphs 1. and
639 2., the early learning coalitions in Sarasota, Osceola, and
640 Santa Rosa Counties which were in operation on January 1, 2005,
641 are established and authorized to continue operation as
642 independent coalitions, and shall not be counted within the
643 limit of 30 coalitions established in subparagraph 1.

644 4. Each early learning coalition shall be composed of at
645 least 18 members but not more than 35 members. The Agency for
646 Workforce Innovation shall adopt standards establishing within
647 this range the minimum and maximum number of members that may be
648 appointed to an early learning coalition. These standards must
649 include variations for a coalition serving a multicounty region.
650 Each early learning coalition must comply with these standards.

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

655 6. Each early learning coalition must include the
656 following members:

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

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

663 c. A regional workforce board executive director or his or
664 her designee.

665 d. A county health department director or his or her
666 designee.

667 e. A children's services council or juvenile welfare board
668 chair or executive director, if applicable, who shall be a
669 nonvoting member if the council or board is the fiscal agent of
670 the coalition or if the council or board contracts with and
671 receives funds from the coalition.

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

674 g. A president of a community college or his or her
675 designee.

676 h. One member appointed by a board of county
677 commissioners.

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678 i. A central agency administrator, where applicable, who
679 shall be a nonvoting member.

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

681 k. A representative of private child care providers,
682 including family day care homes, who shall be a nonvoting
683 member.

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

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

689 7. Including the members appointed by the Governor under
690 subparagraph 5., more than one-third of the members of each
691 early learning coalition must be private sector business members
692 who do not have, and none of whose relatives as defined in s.
693 112.3143 has, a substantial financial interest in the design or
694 delivery of the Voluntary Prekindergarten Education Program
695 created under part V of chapter 1002 or the coalition's school
696 readiness program. To meet this requirement an early learning
697 coalition must appoint additional members from a list of
698 nominees submitted to the coalition by a chamber of commerce or
699 economic development council within the geographic region served
700 by the coalition. The Agency for Workforce Innovation shall
701 establish criteria for appointing private sector business
702 members. These criteria must include standards for determining
703 whether a member or relative has a substantial financial
704 interest in the design or delivery of the Voluntary

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705 Prekindergarten Education Program or the coalition's school
706 readiness program.

707 8. A majority of the voting membership of an early
708 learning coalition constitutes a quorum required to conduct the
709 business of the coalition.

710 9. A voting member of an early learning coalition may not
711 appoint a designee to act in his or her place, except as
712 otherwise provided in this paragraph. A voting member may send a
713 representative to coalition meetings, but that representative
714 does not have voting privileges. When a district administrator
715 for the Department of Children and Family Services appoints a
716 designee to an early learning coalition, the designee is the
717 voting member of the coalition, and any individual attending in
718 the designee's place, including the district administrator, does
719 not have voting privileges.

720 10. Each member of an early learning coalition is subject
721 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
722 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is a local
723 public officer who must abstain from voting when a voting
724 conflict exists.

725 11. For purposes of tort liability, each member or
726 employee of an early learning coalition shall be governed by s.
727 768.28.

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

730 13. Each early learning coalition shall establish terms
731 for all appointed members of the coalition. The terms must be
732 staggered and must be a uniform length that does not exceed 4



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733 years per term. Appointed members may serve a maximum of two
 734 consecutive terms. When a vacancy occurs in an appointed
 735 position, the coalition must advertise the vacancy.

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

737
 738 ===== T I T L E A M E N D M E N T =====

739 And the title is amended as follows:

740 Delete everything before the enacting clause
 741 and insert:

742 A bill to be entitled
 743 An act relating to the code of ethics for public officers
 744 and employees; amending s. 112.312, F.S.; redefining the
 745 term "business entity" to include a company; amending s.
 746 112.313, F.S.; prescribing duties of a local government
 747 attorney with respect to advising a public officer or
 748 employee seeking advice regarding compliance with a
 749 standard of conduct, voting provision, disclosure
 750 requirement, provision of part III of ch. 112, F.S., or
 751 constitutional provision governing ethics in government;
 752 providing that failure to provide such advice is not a
 753 violation of the Code of Ethics for Public Officers and
 754 Employees; amending s. 112.3135, F.S.; prohibiting a
 755 public official from appointing, employing, promoting, or
 756 advancing a relative and providing that a relative is not
 757 eligible for appointment, employment, promotion, or
 758 advancement to a position in an agency in which the
 759 official is serving, or in an agency administered by the
 760 official or collegial body of which the official is a

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761 member; providing that both the official and the
762 official's relative are subject to penalties; providing an
763 exception if the official does not participate in the
764 appointment, employment, promotion, or advancement;
765 amending s. 112.3143, F.S.; revising the disclosure
766 requirements for a state officer when voting in an
767 official capacity; revising the disclosure requirements
768 for an appointed state officer participating in certain
769 matters; providing an exception for a state officer when
770 the officer's principal is an agency as defined in s.
771 112.312(2), F.S.; revising the disclosure requirements for
772 a local officer when prohibited from voting; prohibiting a
773 local officer from participating in any matter involving
774 special gain or loss to certain parties unless such
775 interest in the matter is disclosed; providing
776 requirements for making the disclosure; amending s.
777 112.3145, F.S.; redefining the term "local officer" to
778 include an appointed member of the board of a community
779 redevelopment agency and a finance director of a local
780 government or other political subdivision; requiring a
781 financial interest statement to show the statutory method
782 used to disclose a reporting individual's financial
783 interests; amending s. 112.3148, F.S.; redefining the term
784 "procurement employee"; defining the term "vendor";
785 prohibiting a reporting individual or procurement employee
786 from soliciting a gift from certain vendors; prohibiting
787 such individual or employee from knowingly accepting a
788 gift in excess of a specified value from certain vendors;

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789 prohibiting certain vendors from making such a gift to
790 such individual or employee; amending s. 112.3149, F.S.;
791 redefining the term "procurement employee"; defining the
792 term "vendor"; prohibiting a reporting individual or
793 procurement employee from knowingly accepting an
794 honorarium from certain vendors; prohibiting certain
795 vendors from giving an honorarium to such individual or
796 employee; amending s. 112.3215, F.S.; requiring the Ethics
797 Commission to investigate complaints alleging prohibited
798 expenditures; providing for the investigation of lobbyists
799 and principals under certain circumstances; providing
800 penalties for failure to provide required information or
801 providing false information; creating s. 112.3136, F.S.;
802 specifying standards of conduct for officers and employees
803 of entities serving as the chief administrative officer of
804 a political subdivision; amending s. 112.317, F.S.;
805 providing for penalties to be imposed against persons
806 other than lobbyists or public officers and employees;
807 amending s. 112.324, F.S.; providing for the commission to
808 report to the Governor violations involving persons other
809 than lobbyists or public officers and employees; amending
810 s. 411.01, F.S., relating to school readiness programs;
811 conforming a cross-reference; providing an effective date.