

By the Committee on Ethics and Elections; and Senator
Constantine

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1 A bill to be entitled

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

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

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59 than lobbyists or public officers and employees; amending
60 s. 411.01, F.S., relating to school readiness programs;
61 conforming a cross-reference; providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

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

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

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

75 Section 2. Paragraph (a) of subsection (2) of section
76 112.3135, Florida Statutes, is amended to read:

77 112.3135 Restriction on employment of relatives.--

78 (2) (a) A public official may not appoint, employ, promote,
79 or advance, or advocate for appointment, employment, promotion,
80 or advancement, in or to a position in the agency in which the
81 official is serving or over which the official, or collegial body
82 of which the official is a member, exercises jurisdiction or
83 control, any individual who is a relative of the public official.
84 An individual who is a relative of a public official is not
85 eligible for appointment, employment, promotion, or advancement
86 may not be appointed, employed, promoted, or advanced in or to a
87 position in an agency in which the official is serving or over

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88 which the official, or the collegial body of which the official
89 is a member, exercises jurisdiction or control. If a prohibited
90 appointment, employment, promotion, or advancement occurs, both
91 the official and the individual shall be subject to penalties
92 under s. 112.317; however, if the appointment, employment,
93 promotion, or advancement is made by the collegial body of which
94 the official is a member without the official's participation,
95 only the individual shall be subject to penalties under s.
96 112.317. if such appointment, employment, promotion, or
97 ~~advancement has been advocated by a public official, serving in~~
98 ~~or exercising jurisdiction or control over the agency, who is a~~
99 ~~relative of the individual or if such appointment, employment,~~
100 ~~promotion, or advancement is made by a collegial body of which a~~
101 ~~relative of the individual is a member. However, this subsection~~
102 does ~~shall~~ not apply to appointments to boards other than those
103 with land-planning or zoning responsibilities in those
104 municipalities with less than 35,000 population. This subsection
105 does not apply to persons serving in a volunteer capacity who
106 provide emergency medical, firefighting, or police services. Such
107 persons may receive, without losing their volunteer status,
108 reimbursements for the costs of any training they get relating to
109 the provision of volunteer emergency medical, firefighting, or
110 police services and payment for any incidental expenses relating
111 to those services that they provide.

112 Section 3. Section 112.3143, Florida Statutes, is amended
113 to read:

114 112.3143 Voting conflicts.--

115 (1) As used in this section:

116 (a) "Public officer" includes any person elected or

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117 appointed to hold office in any agency, including any person
118 serving on an advisory body.

119 (b) "Relative" means any father, mother, son, daughter,
120 husband, wife, brother, sister, father-in-law, mother-in-law,
121 son-in-law, or daughter-in-law.

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

140 (3) An appointed state public officer may not participate
141 in any matter that would inure to the officer's special private
142 gain or loss; that the officer knows would inure to the special
143 private gain or loss of any principal by whom he or she is
144 retained or to the parent organization, sibling, or subsidiary of
145 a corporate principal by which he or she is retained, other than

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146 an agency as defined in s. 112.312(2); or that he or she knows
147 would inure to the special private gain or loss of a relative or
148 business associate of the public officer, without first
149 disclosing the nature of his or her interest in the matter.

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

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

174 (4)-(3)-(a) A ~~No~~ county, municipal, or other local public

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175 officer may not ~~shall~~ vote in an official capacity upon any
176 measure that ~~which~~ would inure to his or her special private gain
177 or loss; that ~~which~~ he or she knows would inure to the special
178 private gain or loss of any principal by whom he or she is
179 retained or to the parent organization, sibling, or subsidiary of
180 a corporate principal by which he or she is retained, other than
181 an agency as defined in s. 112.312(2); or that ~~which~~ he or she
182 knows would inure to the special private gain or loss of a
183 relative or business associate of the public officer. Such public
184 officer shall, before ~~prior to~~ the vote is ~~being~~ taken, publicly
185 state to the assembly the nature of all of the officer's
186 interests ~~interest~~ in the matter, and all of the interests in the
187 matter of his or her principals, relatives, or business
188 associates which are known to him or her, from which he or she is
189 abstaining from voting and, within 15 days after the vote occurs,
190 disclose the nature of all of his or her interests in the matter,
191 and disclose the nature of all of the interests of his or her
192 principals, relatives, or business associates which are known to
193 him or her, ~~his or her interest~~ as a public record in a
194 memorandum filed with the person responsible for recording the
195 minutes of the meeting, who shall incorporate the memorandum in
196 the minutes.

197 (b) However, a commissioner of a community redevelopment
198 agency created or designated pursuant to s. 163.356 or s.
199 163.357, or an officer of an independent special tax district
200 elected on a one-acre, one-vote basis, is not prohibited from
201 voting, when voting in that ~~said~~ capacity.

202 ~~(4) No appointed public officer shall participate in any~~
203 ~~matter which would inure to the officer's special private gain or~~

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204 ~~loss; which the officer knows would inure to the special private~~
205 ~~gain or loss of any principal by whom he or she is retained or to~~
206 ~~the parent organization or subsidiary of a corporate principal by~~
207 ~~which he or she is retained; or which he or she knows would inure~~
208 ~~to the special private gain or loss of a relative or business~~
209 ~~associate of the public officer, without first disclosing the~~
210 ~~nature of his or her interest in the matter.~~

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

220 ~~(b) In the event that disclosure has not been made prior to~~
221 ~~the meeting or that any conflict is unknown prior to the meeting,~~
222 ~~the disclosure shall be made orally at the meeting when it~~
223 ~~becomes known that a conflict exists. A written memorandum~~
224 ~~disclosing the nature of the conflict shall then be filed within~~
225 ~~15 days after the oral disclosure with the person responsible for~~
226 ~~recording the minutes of the meeting and shall be incorporated~~
227 ~~into the minutes of the meeting at which the oral disclosure was~~
228 ~~made. Any such memorandum shall become a public record upon~~
229 ~~filing, shall immediately be provided to the other members of the~~
230 ~~agency, and shall be read publicly at the next meeting held~~
231 ~~subsequent to the filing of this written memorandum.~~

232 (5) A county, municipal, or other local public officer may

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

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

255 (b) If disclosure is not made before the meeting or if any
256 conflict is unknown before the meeting, the disclosure shall be
257 made orally at the meeting when it becomes known that a conflict
258 exists. The written memorandum disclosing the nature of the
259 conflict must be filed with the person responsible for recording
260 the minutes of the meeting within 15 days after the oral
261 disclosure and shall be incorporated into the minutes of the

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262 meeting at which the oral disclosure was made. Any such
263 memorandum becomes a public record upon filing, shall immediately
264 be provided to the other members of the agency, and shall be read
265 publicly at the next meeting held subsequent to the filing of
266 this written memorandum.

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

271 (7)(5) Whenever a public officer or former public officer
272 is being considered for appointment or reappointment to public
273 office, the appointing body shall consider the number and nature
274 of the memoranda of conflict previously filed under this section
275 by the ~~said~~ officer.

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

278 112.3145 Disclosure of financial interests and clients
279 represented before agencies.--

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

282 (a) "Local officer" means:

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

286 2. Any appointed member of any of the following boards,
287 councils, commissions, authorities, or other bodies of any
288 county, municipality, school district, independent special
289 district, or other political subdivision of the state:

290 a. The governing body of the political subdivision, if

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291 appointed;

292 b. An expressway authority or transportation authority

293 established by general law;

294 c. A community college or junior college district board of

295 trustees;

296 d. A board having the power to enforce local code

297 provisions;

298 e. A planning or zoning board, board of adjustment, board

299 of appeals, community redevelopment agency board, or other board

300 having the power to recommend, create, or modify land planning or

301 zoning within the political subdivision, except for citizen

302 advisory committees, technical coordinating committees, and such

303 other groups who only have the power to make recommendations to

304 planning or zoning boards;

305 f. A pension board or retirement board having the power to

306 invest pension or retirement funds or the power to make a binding

307 determination of one's entitlement to or amount of a pension or

308 other retirement benefit; or

309 g. Any other appointed member of a local government board

310 who is required to file a statement of financial interests by the

311 appointing authority or the enabling legislation, ordinance, or

312 resolution creating the board.

313 3. Any person holding one or more of the following

314 positions: mayor; county or city manager; chief administrative

315 employee of a county, municipality, or other political

316 subdivision; county or municipal attorney; finance director of a

317 county, municipality, or other political subdivision; chief

318 county or municipal building code inspector; county or municipal

319 water resources coordinator; county or municipal pollution

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320 control director; county or municipal environmental control
321 director; county or municipal administrator, with power to grant
322 or deny a land development permit; chief of police; fire chief;
323 municipal clerk; district school superintendent; community
324 college president; district medical examiner; or purchasing agent
325 having the authority to make any purchase exceeding the threshold
326 amount provided for in s. 287.017 for CATEGORY ONE, on behalf of
327 any political subdivision of the state or any entity thereof.

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

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

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

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349 ended on, or immediately prior to, the end of the disclosure
350 period of the person reporting;

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

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

361 (b)1. All sources of gross income in excess of \$2,500
362 received during the disclosure period by the person in his or her
363 own name or by any other person for his or her use or benefit,
364 excluding public salary. However, this shall not be construed to
365 require disclosure of a business partner's sources of income. The
366 person reporting shall list such sources in descending order of
367 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 gross income exceeding \$5,000 during the disclosure
372 period. The period for computing the gross income of the business
373 entity is the fiscal year of the business entity which ended on,
374 or immediately prior to, the end of the disclosure period of the
375 person reporting;

376 3. The location or description of real property in this
377 state, except for residence and vacation homes, owned directly or

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378 indirectly by the person reporting, when such person owns in
379 excess of 5 percent of the value of such real property, and a
380 general description of any intangible personal property worth in
381 excess of \$10,000. For the purpose of this paragraph, indirect
382 ownership does not include ownership by a spouse or minor child;
383 and

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

385

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

389 Section 5. Paragraph (e) of subsection (2), subsection (3),
390 subsection (4), and paragraph (a) of subsection (5) of section
391 112.3148, Florida Statutes, are amended, and paragraph (f) is
392 added to subsection (2) of that section, to read:

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

396 (2) As used in this section:

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

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407 exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

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

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

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436 custody of the gift for any period of time beyond that reasonably
437 necessary to arrange for the transfer of custody and ownership of
438 the gift.

439 (5) (a) A political committee or a committee of continuous
440 existence, as defined in s. 106.011; a vendor doing business with
441 the reporting individual's or procurement employee's agency; a
442 lobbyist who lobbies a reporting individual's or procurement
443 employee's agency; the partner, firm, employer, or principal of a
444 lobbyist; or another on behalf of the lobbyist or partner, firm,
445 principal, or employer of the lobbyist is prohibited from giving,
446 either directly or indirectly, a gift that has a value in excess
447 of \$100 to the reporting individual or procurement employee or
448 any other person on his or her behalf; however, such person may
449 give a gift having a value in excess of \$100 to a reporting
450 individual or procurement employee if the gift is intended to be
451 transferred to a governmental entity or a charitable
452 organization.

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

457 112.3149 Solicitation and disclosure of honoraria.--

458 (1) As used in this section:

459 (e) "Procurement employee" means any employee of an
460 officer, department, board, commission, ~~or~~ council, or agency of
461 the executive branch or judicial branch of state government who
462 has participated in the preceding 12 months ~~participates~~ through
463 decision, approval, disapproval, recommendation, preparation of
464 any part of a purchase request, influencing the content of any

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465 specification or procurement standard, rendering of advice,
466 investigation, or auditing or in any other advisory capacity in
467 the procurement of contractual services or commodities as defined
468 in s. 287.012, if the cost of such services or commodities
469 exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

473 (3) A reporting individual or procurement employee is
474 prohibited from knowingly accepting an honorarium from a
475 political committee or committee of continuous existence, as
476 defined in s. 106.011, from a vendor doing business with the
477 reporting individual's or procurement employee's agency, from a
478 lobbyist who lobbies the reporting individual's or procurement
479 employee's agency, or from the employer, principal, partner, or
480 firm of such a lobbyist.

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

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

493 112.3215 Lobbying before the executive branch or the

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494 Constitution Revision Commission; registration and reporting;
495 investigation by commission.--

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

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

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

517 (d) Records relating to an audit conducted pursuant to this
518 section or an investigation conducted pursuant to this section or
519 s. 112.32155 are confidential and exempt from s. 119.07(1) and s.
520 24(a), Art. I of the State Constitution, and any meetings held
521 pursuant to such an investigation or at which such an audit is
522 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the

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523 State Constitution either until the lobbying firm requests in
524 writing that such investigation and associated records and
525 meetings be made public or until the commission determines there
526 is probable cause that the audit reflects a violation of the
527 reporting laws. This paragraph is subject to the Open Government
528 Sunset Review Act in accordance with s. 119.15 and shall stand
529 repealed on October 2, 2011, unless reviewed and saved from
530 repeal through reenactment by the Legislature.

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

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

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

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552 following sections:

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

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

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

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

563 112.317 Penalties.--

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

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

576 1. Public censure and reprimand.

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

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

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581 | General Revenue Fund.

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

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

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

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

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

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

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

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610 (a) Early learning coalitions.--

611 1. The Agency for Workforce Innovation shall establish the
612 minimum number of children to be served by each early learning
613 coalition through the coalition's school readiness program. The
614 Agency for Workforce Innovation may only approve school readiness
615 plans in accordance with this minimum number. The minimum number
616 must be uniform for every early learning coalition and must:

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

622
623 The Agency for Workforce Innovation shall adopt procedures for
624 merging early learning coalitions, including procedures for the
625 consolidation of merging coalitions, and for the early
626 termination of the terms of coalition members which are necessary
627 to accomplish the mergers. Each early learning coalition must
628 comply with the merger procedures and shall be organized in
629 accordance with this subparagraph by April 1, 2005. By June 30,
630 2005, each coalition must complete the transfer of powers,
631 duties, functions, rules, records, personnel, property, and
632 unexpended balances of appropriations, allocations, and other
633 funds to the successor coalition, if applicable.

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

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639 fewer children than the minimum number established under
640 subparagraph 1., if:

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

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

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

655

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

663 3. Notwithstanding the provisions of subparagraphs 1. and
664 2., the early learning coalitions in Sarasota, Osceola, and Santa
665 Rosa Counties which were in operation on January 1, 2005, are
666 established and authorized to continue operation as independent
667 coalitions, and shall not be counted within the limit of 30

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668 coalitions established in subparagraph 1.

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

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

680 6. Each early learning coalition must include the following
681 members:

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

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

688 c. A regional workforce board executive director or his or
689 her designee.

690 d. A county health department director or his or her
691 designee.

692 e. A children's services council or juvenile welfare board
693 chair or executive director, if applicable, who shall be a
694 nonvoting member if the council or board is the fiscal agent of
695 the coalition or if the council or board contracts with and
696 receives funds from the coalition.

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

699 g. A president of a community college or his or her
700 designee.

701 h. One member appointed by a board of county commissioners.

702 i. A central agency administrator, where applicable, who
703 shall be a nonvoting member.

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

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

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

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

712 7. Including the members appointed by the Governor under
713 subparagraph 5., more than one-third of the members of each early
714 learning coalition must be private sector business members who do
715 not have, and none of whose relatives as defined in s. 112.3143
716 has, a substantial financial interest in the design or delivery
717 of the Voluntary Prekindergarten Education Program created under
718 part V of chapter 1002 or the coalition's school readiness
719 program. To meet this requirement an early learning coalition
720 must appoint additional members from a list of nominees submitted
721 to the coalition by a chamber of commerce or economic development
722 council within the geographic region served by the coalition. The
723 Agency for Workforce Innovation shall establish criteria for
724 appointing private sector business members. These criteria must
725 include standards for determining whether a member or relative

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726 | has a substantial financial interest in the design or delivery of
727 | the Voluntary Prekindergarten Education Program or the
728 | coalition's school readiness program.

729 | 8. A majority of the voting membership of an early learning
730 | coalition constitutes a quorum required to conduct the business
731 | of the coalition.

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

742 | 10. Each member of an early learning coalition is subject
743 | to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
744 | 112.3143(4)(a) ~~s. 112.3143(3)(a)~~, each voting member is a local
745 | public officer who must abstain from voting when a voting
746 | conflict exists.

747 | 11. For purposes of tort liability, each member or employee
748 | of an early learning coalition shall be governed by s. 768.28.

749 | 12. An early learning coalition serving a multicounty
750 | region must include representation from each county.

751 | 13. Each early learning coalition shall establish terms for
752 | all appointed members of the coalition. The terms must be
753 | staggered and must be a uniform length that does not exceed 4
754 | years per term. Appointed members may serve a maximum of two

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755 consecutive terms. When a vacancy occurs in an appointed
756 position, the coalition must advertise the vacancy.

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