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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 terms "business entity," "candidate," and "gift" as they
5 relate to the code of ethics for public officers and
6 employees; amending s. 112.313, F.S.; providing standards
7 of conduct for public officers and employees of state
8 agencies with regard to improper influence in the
9 performance of official duties; amending s. 112.3135,
10 F.S.; prohibiting a public official from appointing,
11 employing, or promoting a relative for a position in an
12 agency in which the official is a member of the collegial
13 body; providing penalties for the appointed or promoted
14 relative and the public official; creating s. 112.3142,
15 F.S.; providing legislative intent; providing definitions;
16 providing that a covered public official does not have a
17 conflict of interest or a voting conflict of interest in
18 an economic interest if he or she holds an economic
19 interest in a qualified blind trust; prohibiting the
20 public official from attempting to influence or exercise
21 control over decisions regarding the management of assets
22 in a qualified blind trust; prohibiting the covered public
23 official and any person having a beneficial interest in
24 the qualified blind trust from obtaining information
25 regarding the holdings of the trust; prohibiting
26 communications about the qualified blind trust between the
27 covered public official and the trustee; providing
28 exceptions for such communications; requiring the covered

29 public official to report certain assets and sources of
30 income; providing requirements for a qualified blind
31 trust; requiring the trust agreement to be filed with the
32 Commission on Ethics; providing requirements for the trust
33 agreement; requiring the public official to file an
34 amendment to the trust agreement under certain
35 circumstances; amending s. 112.3143, F.S.; defining the
36 term "principal by whom the officer is retained" as it
37 relates to voting conflicts for public officials;
38 authorizing a state public officer who holds an elective
39 office to vote in that official capacity on any matter
40 under certain circumstances; prohibiting a state public
41 officer who holds an appointive position and certain other
42 officials from voting or participating in an official
43 capacity under certain conditions; providing that a
44 commissioner of a community redevelopment agency or an
45 officer of an elected independent special tax district is
46 not prohibited from voting in that capacity as long as he
47 or she makes certain disclosures; prohibiting a public
48 officer, employee of an agency, or local government
49 attorney, knowing that a public officer has a voting
50 conflict of interest as provided under this section, from
51 aiding or assisting that public officer in order to
52 influence a decision in such a way as to benefit the
53 officer or his or her principal, relative, or business
54 associate; amending s. 112.3144, F.S.; authorizing a
55 candidate for office to file with the commission a copy of
56 the full and public disclosure of financial interests used

57 | for purposes of qualifying as a candidate; amending s.
58 | 112.3145, F.S.; redefining the terms "local officer" and
59 | "specified state employee" for the purpose of disclosing
60 | financial interests; authorizing a candidate for office to
61 | file with the commission a copy of the statement of
62 | financial interests used for purposes of qualifying as a
63 | candidate; requiring a person filing a statement of
64 | financial interests to indicate on the statement which
65 | method of calculation he or she is using to complete the
66 | statement; amending s. 112.3148, F.S.; redefining the term
67 | "procurement employee" and defining the term "vendor" for
68 | the purpose of reporting the receipt of certain gifts by
69 | procurement employees and certain individuals; prohibiting
70 | a reporting individual or procurement employee from
71 | soliciting or accepting any gift from a vendor doing
72 | business with the reporting individual's or procurement
73 | employee's agency; prohibiting a vendor doing business
74 | with the reporting individual's or procurement employee's
75 | agency from giving certain gifts to a reporting individual
76 | or procurement employee; amending s. 112.3149, F.S.;
77 | redefining the term "procurement employee" and defining
78 | the term "vendor" for the purpose of solicitation and
79 | disclosure of honoraria; prohibiting a reporting
80 | individual or procurement employee from accepting an
81 | honorarium from a vendor doing business with the reporting
82 | individual's or procurement employee's agency; prohibiting
83 | a vendor doing business with the reporting individual's or
84 | procurement employee's agency from giving an honorarium to

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85 a reporting individual or procurement employee; amending
86 s. 112.317, F.S.; increasing certain civil penalties for
87 violating the code of ethics for public officers and
88 employees; revising the standard for the commission to use
89 in determining if a complaint against a public officer or
90 employee is false; amending s. 112.324, F.S.; requiring
91 the commission to investigate any alleged violation of the
92 code of ethics for public officers and employees, or any
93 other alleged breach of the public trust within the
94 jurisdiction of the commission, upon a written complaint
95 or receipt of an information or referral; revising and
96 clarifying procedures regarding violations of the code of
97 ethics for public officers and employees; providing that
98 the standard of proof for a finding of probable cause is
99 by a preponderance of the evidence; amending s. 112.3215,
100 F.S.; requiring the commission to investigate every sworn
101 complaint that is filed alleging that certain persons have
102 made a prohibited expenditure; requiring the commission to
103 investigate any lobbyist or principal upon receipt of
104 information from a sworn complaint or from a random audit
105 of lobbying reports indicating a possible violation;
106 providing for a civil penalty; amending s. 411.01, F.S.;
107 conforming a cross-reference; providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Subsections (5), (6), and (12) of section
112 112.312, Florida Statutes, are amended to read:

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113 112.312 Definitions.—As used in this part and for purposes
 114 of the provisions of s. 8, Art. II of the State Constitution,
 115 unless the context otherwise requires:

116 (5) "Business entity" means any corporation, company,
 117 partnership, limited partnership, proprietorship, firm,
 118 enterprise, franchise, association, self-employed individual, or
 119 trust, whether fictitiously named or not, doing business in this
 120 state.

121 (6) "Candidate" means any person who has filed a statement
 122 of financial interest and qualification papers, has subscribed
 123 to the candidate's oath as required by s. 99.021 or s. 105.031,
 124 and seeks by election to become a public officer. This
 125 definition expressly excludes a committeeman or committeewoman
 126 regulated by chapter 103 and persons seeking any other office or
 127 position in a political party.

128 (12) (a) "Gift," for purposes of ethics in government and
 129 financial disclosure required by law, means that which is
 130 accepted by a donee or by another on the donee's behalf, or that
 131 which is paid or given to another for or on behalf of a donee,
 132 directly, indirectly, or in trust for the donee's benefit or by
 133 any other means, for which equal or greater consideration is not
 134 given within 90 days, including:

- 135 1. Real property.
- 136 2. The use of real property.
- 137 3. Tangible or intangible personal property.
- 138 4. The use of tangible or intangible personal property.
- 139 5. A preferential rate or terms on a debt, loan, goods, or
 140 services, which rate is below the customary rate and is not

141 either a government rate available to all other similarly
 142 situated government employees or officials or a rate which is
 143 available to similarly situated members of the public by virtue
 144 of occupation, affiliation, age, religion, sex, or national
 145 origin.

146 6. Forgiveness of an indebtedness.

147 7. Transportation, other than that provided to a public
 148 officer or employee by an agency in relation to officially
 149 approved governmental business, lodging, or parking.

150 8. Food or beverage.

151 9. Membership dues.

152 10. Entrance fees, admission fees, or tickets to events,
 153 performances, or facilities.

154 11. Plants, flowers, or floral arrangements.

155 12. Services provided by persons pursuant to a
 156 professional license or certificate.

157 13. Other personal services for which a fee is normally
 158 charged by the person providing the services.

159 14. Any other similar service or thing having an
 160 attributable value not already provided for in this section.

161 (b) "Gift" does not include:

162 1. Salary, benefits, services, fees, commissions, gifts,
 163 or expenses associated primarily with the donee's employment,
 164 business, or service as an officer or director of a corporation
 165 or organization.

166 2. Contributions or expenditures reported pursuant to
 167 chapter 106 or federal election law, campaign-related personal
 168 services provided without compensation by individuals

169 volunteering their time, or any other contribution or
 170 expenditure by a political party.

171 3. An honorarium or an expense related to an honorarium
 172 event paid to a person or the person's spouse.

173 4. An award, plaque, certificate, or similar personalized
 174 item given in recognition of the donee's public, civic,
 175 charitable, or professional service.

176 5. An honorary membership in a service or fraternal
 177 organization presented merely as a courtesy by such
 178 organization.

179 6. The use of a public facility or public property, made
 180 available by a governmental agency, for a public purpose.

181 7. Transportation provided to a public officer or employee
 182 by an agency in relation to officially approved governmental
 183 business.

184 8. Gifts provided directly or indirectly by a state,
 185 regional, or national organization which promotes the exchange
 186 of ideas between, or the professional development of,
 187 governmental officials or employees, and whose membership is
 188 primarily composed of elected or appointed public officials or
 189 staff, to members of that organization or officials or staff of
 190 a governmental agency that is a member of that organization.

191 (c) For the purposes of paragraph (a), "intangible
 192 personal property" means property as defined in s.
 193 192.001(11)(b).

194 (d) For the purposes of paragraph (a), the term
 195 "consideration" does not include a promise to pay or otherwise
 196 provide something of value unless the promise is in writing and

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197 enforceable through the courts.

198 Section 2. Subsection (18) is added to section 112.313,
199 Florida Statutes, to read:

200 112.313 Standards of conduct for public officers,
201 employees of agencies, and local government attorneys.—

202 (18) PUBLIC OFFICERS AND EMPLOYEES OF A STATE AGENCY.—A
203 public officer or employee of an agency may not knowingly, or
204 with reason to know, act in a manner that would cause a
205 reasonable person, having knowledge of the relevant
206 circumstances, to conclude that any person can improperly
207 influence or unduly enjoy his or her favor in the performance of
208 his or her official duties, or that he or she is likely to act
209 or fail to act as a result of kinship, rank, position, or undue
210 influence of any party or person. It shall be deemed
211 unreasonable to so conclude if such officer or employee has
212 disclosed in writing to his or her appointing authority or, if
213 no appointing authority exists, discloses in a manner that is
214 public in nature, the facts that would otherwise lead to such a
215 conclusion.

216 Section 3. Paragraph (a) of subsection (2) of section
217 112.3135, Florida Statutes, is amended to read:

218 112.3135 Restriction on employment of relatives.—

219 (2) (a) A public official may not appoint, employ, promote,
220 or advance, or advocate for appointment, employment, promotion,
221 or advancement, in or to a position in the agency in which the
222 official is serving or over which the official exercises
223 jurisdiction or control, or the collegial body of which the
224 official is a member, any individual who is a relative of the

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225 public official. An individual may not be appointed, employed,
 226 promoted, or advanced in or to a position in an agency if such
 227 appointment, employment, promotion, or advancement has been made
 228 or advocated by a public official, serving in or exercising
 229 jurisdiction or control over the agency, who is a relative of
 230 the individual or if such appointment, employment, promotion, or
 231 advancement is made by a collegial body of which a relative of
 232 the individual is a member. If a prohibited appointment,
 233 employment, promotion, or advancement occurs, both the official
 234 and the individual are subject to penalties under s. 112.317;
 235 however, if the appointment, employment, promotion, or
 236 advancement is made by the collegial body of which the official
 237 is a member without the official's participation, only the
 238 individual is subject to penalties under s. 112.317. ~~However,~~
 239 This subsection does ~~shall~~ not apply to appointments to boards
 240 other than those with land-planning or zoning responsibilities
 241 in those municipalities with less than 35,000 population. This
 242 subsection does not apply to persons serving in a volunteer
 243 capacity who provide emergency medical, firefighting, or police
 244 services. Such persons may receive, without losing their
 245 volunteer status, reimbursements for the costs of any training
 246 they get relating to the provision of volunteer emergency
 247 medical, firefighting, or police services and payment for any
 248 incidental expenses relating to those services that they
 249 provide.

250 Section 4. Section 112.3142, Florida Statutes, is created
 251 to read:

252 112.3142 Qualified blind trusts.-

253 (1) The Legislature finds that if a trust is created by a
 254 public official and the official does not know the identity of
 255 the financial interests held by the trust and does not control
 256 the interests held by the trust, his or her official actions
 257 will not be influenced or appear to be influenced by private
 258 considerations. Thus, the public policy goal to be achieved
 259 through reliance on a blind trust is an actual "blindness," or
 260 lack of knowledge or control by the official with respect to the
 261 interests held in trust.

262 (2) As used in this section, the term:

263 (a) "Cabinet member" has the same meaning as in s. 20.03.

264 (b) "Commission" means the Commission on Ethics.

265 (c) "Covered public official" means the Governor, the
 266 Lieutenant Governor, and each member of the Cabinet.

267 (3) If a covered public official holds an economic
 268 interest in a qualified blind trust, he or she does not have a
 269 conflict of interest prohibited under s. 112.313(3) or s.
 270 112.313(7) or a voting conflict of interest under s. 112.3143
 271 with regard to matters pertaining to that economic interest.

272 (4) Except as otherwise provided in this section, the
 273 covered public official may not attempt to influence or exercise
 274 any control over decisions regarding the management of assets in
 275 a qualified blind trust. The covered public official and each
 276 person having a beneficial interest in the qualified blind trust
 277 may not make any effort to obtain information with respect to
 278 the holdings of the trust, including obtaining a copy of any
 279 trust tax return filed or any information relating thereto,
 280 except as otherwise provided in this section.

281 (5) Except for communications that consist solely of
282 requests for distributions of cash or other unspecified assets
283 of the trust, there may not be any direct or indirect
284 communication with respect to the trust between the covered
285 public official or any person having a beneficial interest in
286 the qualified blind trust and the trustee, unless such
287 communication is in writing and unless it relates only to:

288 (a) A request for a distribution from the trust which does
289 not specify whether the distribution shall be made in cash or in
290 kind;

291 (b) The general financial interests and needs of the
292 covered public official or interested person, including, but not
293 limited to, an interest in maximizing income or long-term
294 capital gain;

295 (c) The notification of the trustee of a law or regulation
296 subsequently applicable to the covered public official which
297 prohibits the covered official from holding an asset and which
298 notification directs that the asset not be held by the trust; or

299 (d) Directions to the trustee to sell all of an asset
300 initially placed in the trust by the covered public official
301 which in the determination of the covered public official
302 creates a conflict of interest or the appearance of a conflict
303 of interest due to the subsequent assumption of duties by the
304 public official.

305 (6) The covered public official shall report as an asset
306 on his or her financial disclosure forms the beneficial interest
307 in the blind trust, and shall report its value if value is
308 required to be disclosed. The covered public official shall

309 report the blind trust as a primary source of income on his or
 310 her financial disclosure forms, and shall report its amount if
 311 the amount of income is required to be disclosed. The covered
 312 public official is not required to report as a secondary source
 313 of income any source of income to the blind trust.

314 (7) In order to constitute a qualified blind trust, the
 315 trust must be established by the covered public official and
 316 meet the following requirements:

317 (a) The person or entity appointed as a trustee must not
 318 be:

319 1. The covered public official's spouse, child, parent,
 320 grandparent, grandchild, brother, sister, parent-in-law,
 321 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
 322 the spouse of any such person;

323 2. A person who is an elected or appointed public officer
 324 or a public employee; or

325 3. A person who has been appointed to serve in an agency
 326 by the covered public official or by a public officer or public
 327 employee supervised by the covered public official.

328 (b) The trust agreement that establishes the blind trust
 329 must:

330 1. Contain a clear statement of its purpose, namely, to
 331 remove from the grantor control and knowledge of investment of
 332 trust assets so that conflicts between the grantor's
 333 responsibilities as a public official and his or her private
 334 interests will be eliminated.

335 2. Give the trustee complete discretion to manage the
 336 trust, including, but not limited to, the power to dispose of

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337 and acquire trust assets without consulting or notifying the
338 covered public official or any person having a beneficial
339 interest in the trust.

340 3. Prohibit communication between the trustee and the
341 covered public official and any person having a beneficial
342 interest in the trust concerning the holdings or sources of
343 income of the trust, except amounts of cash value or net income
344 or loss. However, such report may not identify any asset or
345 holding, except as provided in this section.

346 4. Provide that the trust tax return is to be prepared by
347 the trustee or his or her designee, and that any information
348 relating to the trust tax return is not to be disclosed to the
349 covered public official or to any other beneficiary except as
350 provided in this section.

351 5. Allow the trustee to notify the covered public official
352 of the date of disposition and value at disposition of any
353 original investment or interests in real property to the extent
354 required by federal tax law so that information can be reported
355 on the covered public official's applicable tax returns.

356 6. Prohibit the trustee from disclosing to the covered
357 public official and any person having a beneficial interest in
358 the trust any information concerning replacement assets to the
359 trust, except for the minimum tax information that lists only
360 the totals of taxable items from the trust and does not describe
361 the source of individual items of income.

362 7. Provide that the trustee may not invest trust assets in
363 business entities that he or she knows are regulated by or do a
364 significant amount of business with the covered public

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365 official's public agency.

366 8. Provide that the trust is not effective until it is
367 approved by the commission.

368 (c) The obligations of the trustee and the official under
369 the trust agreement must be observed by them.

370 (d) The trust shall contain only readily marketable
371 assets.

372 (e) The trust must be approved by the commission as
373 meeting the requirements of this section.

374 (8) A copy of the trust agreement must be filed with the
375 commission no later than 5 business days after the agreement is
376 executed and must include:

377 (a) A listing of the assets placed in the trust;

378 (b) A statement detailing the date the agreement was
379 executed;

380 (c) The name and address of the trustee; and

381 (d) A separate statement signed by the trustee, under
382 penalty of perjury, certifying that he or she will not reveal
383 any information to the covered public official or any person
384 having a beneficial interest in the qualified blind trust,
385 except for information that is authorized under this section,
386 and that, to the best of the trustee's knowledge, the submitted
387 blind trust agreement complies with this section.

388 (9) If the trust is revoked while the covered public
389 official is a public officer, or if the covered public official
390 learns of any replacement assets that have been added to the
391 trust, the covered public official must file an amendment to his
392 or her most recent financial disclosure statement. The amendment

393 must be filed no later than 60 days after the date of revocation
 394 or the addition of the replacement assets. The covered public
 395 official must disclose the previously unreported pro rata share
 396 of the trust's interests in investments or income deriving from
 397 any such investments. For purposes of this section, any replaced
 398 asset of which the covered public official learns shall
 399 thereafter be treated as though the asset were an original asset
 400 of the trust.

401 Section 5. Section 112.3143, Florida Statutes, is amended
 402 to read:

403 112.3143 Voting conflicts.—

404 (1) As used in this section, the term:

405 (a) "Principal by whom the officer is retained" means an
 406 individual or entity, other than an agency as defined in s.
 407 112.312(2), which for compensation, salary, pay, consideration,
 408 or similar thing of value, has permitted or directed another to
 409 act for the individual or entity, and includes, but is not
 410 limited to, one's client, employer, or master, or the parent,
 411 subsidiary, or sibling organization of one's client, employer,
 412 or master.

413 (b) ~~(a)~~ "Public officer" includes any person elected or
 414 appointed to hold office in any agency, including any person
 415 serving on an advisory body.

416 (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,
 417 husband, wife, brother, sister, father-in-law, mother-in-law,
 418 son-in-law, or daughter-in-law.

419 (2) A ~~Ne~~ state public officer holding an elective office
 420 is not prohibited from voting in that ~~an~~ official capacity on

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421 any matter. However, when ~~any state public officer~~ voting in an
 422 official capacity upon any measure that ~~which~~ would inure to the
 423 officer's special private gain or loss; that ~~which~~ he or she
 424 knows would inure to the special private gain or loss of any
 425 principal by whom the officer is retained ~~or to the parent~~
 426 ~~organization or subsidiary of a corporate principal by which the~~
 427 ~~officer is retained~~; or that ~~which~~ the officer knows would inure
 428 to the special private gain or loss of a relative or business
 429 associate of the public officer, the officer shall, within 15
 430 days after the vote occurs, disclose the nature of all of his or
 431 her interests in the matter and disclose the nature of all of
 432 the interests of his or her principals, relatives, or business
 433 associates which are known to him or her ~~his or her interest~~ as
 434 a public record in a memorandum filed with the person
 435 responsible for recording the minutes of the meeting, who shall
 436 incorporate the memorandum in the minutes.

437 (3)(a) A state public officer holding an appointive
 438 position and a ~~No~~ county, municipal, or other local public
 439 officer may not ~~shall~~ vote in an official capacity upon any
 440 measure that ~~which~~ would inure to his or her special private
 441 gain or loss; that ~~which~~ he or she knows would inure to the
 442 special private gain or loss of any principal by whom he or she
 443 is retained ~~or to the parent organization or subsidiary of a~~
 444 ~~corporate principal by which he or she is retained, other than~~
 445 ~~an agency as defined in s. 112.312(2)~~; or that ~~which~~ he or she
 446 knows would inure to the special private gain or loss of a
 447 relative or business associate of the public officer. Such
 448 public officer shall, before ~~prior to~~ the vote is ~~being~~ taken,

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449 publicly state to the assembly the nature of all of the
450 officer's interests, and all of the interests of his or her
451 principals, relatives, or business associates which are known to
452 him or her, interest in the matter from which he or she is
453 abstaining from voting and, within 15 days after the vote
454 occurs, disclose the nature of all of his or her interests in
455 the matter and disclose the nature of all of the interests of
456 his or her principals, relatives, or business associates which
457 are known to him or her, his or her interest as a public record
458 in a memorandum filed with the person responsible for recording
459 the minutes of the meeting, who shall incorporate the memorandum
460 in the minutes.

461 ~~(b) However, a commissioner of a community redevelopment~~
462 ~~agency created or designated pursuant to s. 163.356 or s.~~
463 ~~163.357, or an officer of an independent special tax district~~
464 ~~elected on a one-acre, one-vote basis, is not prohibited from~~
465 ~~voting, when voting in said capacity.~~

466 (4) A state public officer holding an appointive position,
467 and a county, municipal, or other local ~~No appointed~~ public
468 officer may not shall participate in any matter that which would
469 inure to the officer's special private gain or loss; that which
470 the officer knows would inure to the special private gain or
471 loss of any principal by whom he or she is retained ~~or to the~~
472 ~~parent organization or subsidiary of a corporate principal by~~
473 ~~which he or she is retained; or that which~~ he or she knows would
474 inure to the special private gain or loss of a relative or
475 business associate of the public officer, ~~without first~~
476 ~~disclosing the nature of his or her interest in the matter.~~

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477 (5) A commissioner of a community redevelopment agency
478 created or designated pursuant to s. 163.356 or s. 163.357, or
479 an officer of an independent special tax district elected on a
480 one-acre, one-vote basis, is not prohibited from voting in that
481 capacity, but must make the disclosures provided for in
482 subsection (3). In addition, such officer may not participate in
483 such a measure without first disclosing the nature of his or her
484 interest and those of his or her principal, relative, or
485 business associate in the matter.

486 (a) Such disclosure, indicating the nature of the
487 conflict, shall be made in a written memorandum filed with the
488 person responsible for recording the minutes of the meeting,
489 prior to the meeting in which consideration of the matter will
490 take place, and shall be incorporated into the minutes. Any such
491 memorandum shall become a public record upon filing, shall
492 immediately be provided to the other members of the agency, and
493 shall be read publicly at the next meeting held subsequent to
494 the filing of this written memorandum.

495 (b) If ~~In the event that~~ disclosure has not been made
496 before ~~prior to~~ the meeting or if that any conflict is unknown
497 before ~~prior to~~ the meeting, the disclosure shall be made orally
498 at the meeting when it becomes known that a conflict exists. A
499 written memorandum disclosing the nature of the conflict shall
500 then be filed within 15 days after the oral disclosure with the
501 person responsible for recording the minutes of the meeting and
502 shall be incorporated into the minutes of the meeting at which
503 the oral disclosure was made. Any such memorandum shall become a
504 public record upon filing, shall immediately be provided to the

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505 other members of the agency, and shall be read publicly at the
 506 next meeting held subsequent to the filing of this written
 507 memorandum.

508 (6)~~(e)~~ For purposes of this section ~~subsection~~, the term
 509 "participate" means any attempt to influence the decision by
 510 oral or written communication to any officer, employee, or
 511 member of the agency, whether made by the officer or at the
 512 officer's direction.

513 (7)~~(5)~~ Whenever a public officer or former public officer
 514 is being considered for appointment or reappointment to public
 515 office, the appointing body shall consider the number and nature
 516 of the memoranda of conflict previously filed under this section
 517 by the ~~said~~ officer.

518 (8) A public officer, employee of an agency, or local
 519 government attorney, knowing that a public officer has a voting
 520 conflict of interest as provided under this section, may not aid
 521 or assist that public officer in order to influence the decision
 522 in such a way as to benefit the officer or his or her principal,
 523 relative, or business associate.

524 Section 6. Subsection (2) of section 112.3144, Florida
 525 Statutes, is amended to read:

526 112.3144 Full and public disclosure of financial
 527 interests.—

528 (2) A person who is required, pursuant to s. 8, Art. II of
 529 the State Constitution, to file a full and public disclosure of
 530 financial interests and who has filed a full and public
 531 disclosure of financial interests for any calendar or fiscal
 532 year is ~~shall~~ not be required to file a statement of financial

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533 interests pursuant to s. 112.3145(2) and (3) for the same year
 534 or for any part thereof notwithstanding any requirement of this
 535 part., ~~except that~~ A candidate for office who has filed a full
 536 and public disclosure of financial interests when qualifying as
 537 a candidate before July 1 may file a copy of that disclosure,
 538 instead of filing a second original disclosure, with the
 539 commission as the annual disclosure required under this section.
 540 A candidate who does not qualify until after the annual full and
 541 public disclosure has been filed under this section shall file a
 542 copy of his or her disclosure with the officer before whom he or
 543 she qualifies.

544 Section 7. Subsections (1), (2), and (3) of section
 545 112.3145, Florida Statutes, are amended to read:

546 112.3145 Disclosure of financial interests and clients
 547 represented before agencies.—

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

550 (a) "Local officer" means:

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

554 2. Any appointed member of any of the following boards,
 555 councils, commissions, authorities, or other bodies of any
 556 county, municipality, school district, independent special
 557 district, or other political subdivision of the state:

558 a. The governing body of the political subdivision, if
 559 appointed;

560 ~~b. An expressway authority or transportation authority~~

561 ~~established by general law;~~
 562 ~~b.e.~~ A community college or junior college district board
 563 of trustees;
 564 ~~c.d.~~ A board having the power to enforce local code
 565 provisions;
 566 ~~d.e.~~ A planning or zoning board, board of adjustment,
 567 board of appeals, community redevelopment agency board, or other
 568 board having the power to recommend, create, or modify land
 569 planning or zoning within the political subdivision, except for
 570 citizen advisory committees, technical coordinating committees,
 571 and such other groups who only have the power to make
 572 recommendations to planning or zoning boards;
 573 ~~e.f.~~ A pension board or retirement board having the power
 574 to invest pension or retirement funds or the power to make a
 575 binding determination of one's entitlement to or amount of a
 576 pension or other retirement benefit; or
 577 ~~f.g.~~ Any other appointed member of a local government
 578 board who is required to file a statement of financial interests
 579 by the appointing authority or the enabling legislation,
 580 ordinance, or resolution creating the board.
 581 3. Any person holding one or more of the following
 582 positions: mayor; county or city manager; chief administrative
 583 employee of a county, municipality, or other political
 584 subdivision; county or municipal attorney; finance director of a
 585 county, municipality, or other political subdivision; chief
 586 county or municipal building code inspector; county or municipal
 587 water resources coordinator; county or municipal pollution
 588 control director; county or municipal environmental control

589 director; county or municipal administrator, with power to grant
 590 or deny a land development permit; chief of police; fire chief;
 591 municipal clerk; district school superintendent; community
 592 college president; district medical examiner; or purchasing
 593 agent having the authority to make any purchase exceeding the
 594 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 595 behalf of any political subdivision of the state or any entity
 596 thereof.

597 (b) "Specified state employee" means:

598 1. Public counsel created by chapter 350, an assistant
 599 state attorney, an assistant public defender, a criminal
 600 conflict and civil regional counsel, an assistant criminal
 601 conflict and civil regional counsel, a full-time state employee
 602 who serves as counsel or assistant counsel to any state agency,
 603 the Deputy Chief Judge of Compensation Claims, a judge of
 604 compensation claims, an administrative law judge, or a hearing
 605 officer.

606 2. Any person employed in the office of the Governor or in
 607 the office of any member of the Cabinet if that person is exempt
 608 from the Career Service System, except persons employed in
 609 clerical, secretarial, or similar positions.

610 3. The State Surgeon General or each appointed secretary,
 611 assistant secretary, deputy secretary, executive director,
 612 assistant executive director, or deputy executive director of
 613 each state department, commission, board, or council; unless
 614 otherwise provided, the division director, assistant division
 615 director, deputy director, bureau chief, and assistant bureau
 616 chief of any state department or division; or any person having

617 the power normally conferred upon such persons, by whatever
618 title.

619 4. The superintendent or institute director of a state
620 mental health institute established for training and research in
621 the mental health field or the warden or director of any major
622 state institution or facility established for corrections,
623 training, treatment, or rehabilitation.

624 5. Business managers, purchasing agents having the power
625 to make any purchase exceeding the threshold amount provided for
626 in s. 287.017 for CATEGORY ONE, finance and accounting
627 directors, personnel officers, or grants coordinators for any
628 state agency.

629 6. Any person, other than a legislative assistant exempted
630 by the presiding officer of the house by which the legislative
631 assistant is employed, who is employed in the legislative branch
632 of government, except persons employed in maintenance, clerical,
633 secretarial, or similar positions.

634 7. Each employee of the Commission on Ethics.

635 (c) "State officer" means:

636 1. Any elected public officer, excluding those elected to
637 the United States Senate and House of Representatives, not
638 covered elsewhere in this part and any person who is appointed
639 to fill a vacancy for an unexpired term in such an elective
640 office.

641 2. An appointed member of each board, commission,
642 authority, or council having statewide jurisdiction, excluding a
643 member of an advisory body.

644 3. A member of the Board of Governors of the State

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645 University System or a state university board of trustees, the
646 Chancellor and Vice Chancellors of the State University System,
647 and the president of a state university.

648 4. A member of the judicial nominating commission for any
649 district court of appeal or any judicial circuit.

650 (2) (a) A person seeking nomination or election to a state
651 or local elective office shall file a statement of financial
652 interests together with, and at the same time he or she files,
653 qualifying papers. A candidate for office who has filed a
654 statement of financial interests when qualifying as a candidate
655 before July 1 may file a copy of that statement, instead of
656 filing a second original statement, as the annual disclosure
657 required under this section. A candidate who does not qualify
658 until after the annual statement of financial interests has been
659 filed under this section shall file a copy of his or her
660 disclosure with the officer before whom he or she qualifies.

661 (b) Each state or local officer and each specified state
662 employee shall file a statement of financial interests no later
663 than July 1 of each year. Each state officer, local officer, and
664 specified state employee shall file a final statement of
665 financial interests within 60 days after leaving his or her
666 public position for the period between January 1 of the year in
667 which the person leaves and the last day of office or
668 employment, unless within the 60-day period the person takes
669 another public position requiring financial disclosure under
670 this section or s. 8, Art. II of the State Constitution or
671 otherwise is required to file full and public disclosure or a
672 statement of financial interests for the final disclosure

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673 | period. Each state or local officer who is appointed and each
674 | specified state employee who is employed shall file a statement
675 | of financial interests within 30 days from the date of
676 | appointment or, in the case of a specified state employee, from
677 | the date on which the employment begins, except that any person
678 | whose appointment is subject to confirmation by the Senate shall
679 | file prior to confirmation hearings or within 30 days from the
680 | date of appointment, whichever comes first.

681 | (c) State officers and specified state employees shall
682 | file their statements of financial interests with the Commission
683 | on Ethics. Local officers shall file their statements of
684 | financial interests with the supervisor of elections of the
685 | county in which they permanently reside. Local officers who do
686 | not permanently reside in any county in the state shall file
687 | their statements of financial interests with the supervisor of
688 | elections of the county in which their agency maintains its
689 | headquarters. Persons seeking to qualify as candidates for local
690 | public office shall file their statements of financial interests
691 | with the officer before whom they qualify.

692 | (3) The statement of financial interests for state
693 | officers, specified state employees, local officers, and persons
694 | seeking to qualify as candidates for state or local office shall
695 | be filed even if the reporting person holds no financial
696 | interests requiring disclosure, in which case the statement
697 | shall be marked "not applicable." Otherwise, the statement of
698 | financial interests shall include, at the filer's option,
699 | either:

700 | (a)1. All sources of income in excess of 5 percent of the

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701 gross income received during the disclosure period by the person
702 in his or her own name or by any other person for his or her use
703 or benefit, excluding public salary. However, this shall not be
704 construed to require disclosure of a business partner's sources
705 of income. The person reporting shall list such sources in
706 descending order of value with the largest source first;

707 2. All sources of income to a business entity in excess of
708 10 percent of the gross income of a business entity in which the
709 reporting person held a material interest and from which he or
710 she received an amount which was in excess of 10 percent of his
711 or her gross income during the disclosure period and which
712 exceeds \$1,500. The period for computing the gross income of the
713 business entity is the fiscal year of the business entity which
714 ended on, or immediately prior to, the end of the disclosure
715 period of the person reporting;

716 3. The location or description of real property in this
717 state, except for residences and vacation homes, owned directly
718 or indirectly by the person reporting, when such person owns in
719 excess of 5 percent of the value of such real property, and a
720 general description of any intangible personal property worth in
721 excess of 10 percent of such person's total assets. For the
722 purposes of this paragraph, indirect ownership does not include
723 ownership by a spouse or minor child; and

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

726 (b)1. All sources of gross income in excess of \$2,500
727 received during the disclosure period by the person in his or
728 her own name or by any other person for his or her use or

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729 benefit, excluding public salary. However, this shall not be
730 construed to require disclosure of a business partner's sources
731 of income. The person reporting shall list such sources in
732 descending order of value with the largest source first;

733 2. All sources of income to a business entity in excess of
734 10 percent of the gross income of a business entity in which the
735 reporting person held a material interest and from which he or
736 she received gross income exceeding \$5,000 during the disclosure
737 period. The period for computing the gross income of the
738 business entity is the fiscal year of the business entity which
739 ended on, or immediately prior to, the end of the disclosure
740 period of the person reporting;

741 3. The location or description of real property in this
742 state, except for residence and vacation homes, owned directly
743 or indirectly by the person reporting, when such person owns in
744 excess of 5 percent of the value of such real property, and a
745 general description of any intangible personal property worth in
746 excess of \$10,000. For the purpose of this paragraph, indirect
747 ownership does not include ownership by a spouse or minor child;
748 and

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

750
751 A person filing a statement of financial interests shall
752 indicate on the statement whether he or she is using the method
753 specified in paragraph (a) or the method specified in paragraph
754 (b).

755 Section 8. Subsections (2), (3), (4), and (5) of section
756 112.3148, Florida Statutes, are amended to read:

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757 112.3148 Reporting and prohibited receipt of gifts by
758 individuals filing full or limited public disclosure of
759 financial interests and by procurement employees.—

760 (2) As used in this section:

761 (a) "Immediate family" means any parent, spouse, child, or
762 sibling.

763 (b)1. "Lobbyist" means any natural person who, for
764 compensation, seeks, or sought during the preceding 12 months,
765 to influence the governmental decisionmaking of a reporting
766 individual or procurement employee or his or her agency or
767 seeks, or sought during the preceding 12 months, to encourage
768 the passage, defeat, or modification of any proposal or
769 recommendation by the reporting individual or procurement
770 employee or his or her agency.

771 2. With respect to an agency that has established by rule,
772 ordinance, or law a registration process for persons seeking to
773 influence decisionmaking or to encourage the passage, defeat, or
774 modification of any proposal or recommendation by such agency or
775 an employee or official of the agency, the term "lobbyist"
776 includes only a person who is required to be registered as a
777 lobbyist in accordance with such rule, ordinance, or law or who
778 was during the preceding 12 months required to be registered as
779 a lobbyist in accordance with such rule, ordinance, or law. At a
780 minimum, such a registration system must require the
781 registration of, or must designate, persons as "lobbyists" who
782 engage in the same activities as require registration to lobby
783 the Legislature pursuant to s. 11.045.

784 (c) "Person" includes individuals, firms, associations,

785 joint ventures, partnerships, estates, trusts, business trusts,
 786 syndicates, fiduciaries, corporations, and all other groups or
 787 combinations.

788 (d) "Reporting individual" means any individual, including
 789 a candidate upon qualifying, who is required by law, pursuant to
 790 s. 8, Art. II of the State Constitution or s. 112.3145, to file
 791 full or limited public disclosure of his or her financial
 792 interests or any individual who has been elected to, but has yet
 793 to officially assume the responsibilities of, public office. For
 794 purposes of implementing this section, the "agency" of a
 795 reporting individual who is not an officer or employee in public
 796 service is the agency to which the candidate seeks election, or
 797 in the case of an individual elected to but yet to formally take
 798 office, the agency in which the individual has been elected to
 799 serve.

800 (e) "Procurement employee" means any employee of an
 801 officer, department, board, commission, ~~or~~ council, or agency of
 802 the executive branch or judicial branch of state government who
 803 has participated in the preceding 12 months ~~participates~~ through
 804 decision, approval, disapproval, recommendation, preparation of
 805 any part of a purchase request, influencing the content of any
 806 specification or procurement standard, rendering of advice,
 807 investigation, or auditing or in any other advisory capacity in
 808 the procurement of contractual services or commodities as
 809 defined in s. 287.012, if the cost of such services or
 810 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 811 any fiscal year.

812 (f) "Vendor" means a business entity doing business

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813 directly with an agency, such as renting, leasing, or selling
814 any realty, goods, or services.

815 (3) A reporting individual or procurement employee is
816 prohibited from soliciting any gift from a political committee
817 or committee of continuous existence, as defined in s. 106.011,
818 from a vendor doing business with the reporting individual's or
819 procurement employee's agency, or from a lobbyist who lobbies
820 the reporting individual's or procurement employee's agency, or
821 the partner, firm, employer, or principal of such lobbyist, if
822 ~~where~~ such gift is for the personal benefit of the reporting
823 individual or procurement employee, another reporting individual
824 or procurement employee, or any member of the immediate family
825 of a reporting individual or procurement employee.

826 (4) A reporting individual or procurement employee or any
827 other person on his or her behalf is prohibited from knowingly
828 accepting, directly or indirectly, a gift from a political
829 committee or committee of continuous existence, as defined in s.
830 106.011, from a vendor doing business with the reporting
831 individual's or procurement employee's agency, or from a
832 lobbyist who lobbies the reporting individual's or procurement
833 employee's agency, or directly or indirectly on behalf of the
834 partner, firm, employer, or principal of a lobbyist, if he or
835 she knows or reasonably believes that the gift has a value in
836 excess of \$100; however, such a gift may be accepted by such
837 person on behalf of a governmental entity or a charitable
838 organization. If the gift is accepted on behalf of a
839 governmental entity or charitable organization, the person
840 receiving the gift shall not maintain custody of the gift for

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841 any period of time beyond that reasonably necessary to arrange
842 for the transfer of custody and ownership of the gift.

843 (5) (a) A political committee or a committee of continuous
844 existence, as defined in s. 106.011; a vendor doing business
845 with the reporting individual's or procurement employee's
846 agency; a lobbyist who lobbies a reporting individual's or
847 procurement employee's agency; the partner, firm, employer, or
848 principal of a lobbyist; or another on behalf of the lobbyist or
849 partner, firm, principal, or employer of the lobbyist is
850 prohibited from giving, either directly or indirectly, a gift
851 that has a value in excess of \$100 to the reporting individual
852 or procurement employee or any other person on his or her
853 behalf; however, such person may give a gift having a value in
854 excess of \$100 to a reporting individual or procurement employee
855 if the gift is intended to be transferred to a governmental
856 entity or a charitable organization.

857 (b) However, a person who is regulated by this subsection,
858 who is not regulated by subsection (6), and who makes, or
859 directs another to make, an individual gift having a value in
860 excess of \$25, but not in excess of \$100, other than a gift
861 which the donor knows will be accepted on behalf of a
862 governmental entity or charitable organization, must file a
863 report on the last day of each calendar quarter, for the
864 previous calendar quarter in which a reportable gift is made.
865 The report shall be filed with the Commission on Ethics, except
866 with respect to gifts to reporting individuals of the
867 legislative branch, in which case the report shall be filed with
868 the Division of Legislative Information Services in the Office

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869 of Legislative Services. The report must contain a description
 870 of each gift, the monetary value thereof, the name and address
 871 of the person making such gift, the name and address of the
 872 recipient of the gift, and the date such gift is given. In
 873 addition, when a gift is made which requires the filing of a
 874 report under this subsection, the donor must notify the intended
 875 recipient at the time the gift is made that the donor, or
 876 another on his or her behalf, will report the gift under this
 877 subsection. Under this paragraph, a gift need not be reported by
 878 more than one person or entity.

879 Section 9. Subsections (1), (3), and (4) of section
 880 112.3149, Florida Statutes, are amended to read:

881 112.3149 Solicitation and disclosure of honoraria.—

882 (1) As used in this section:

883 (a) "Honorarium" means a payment of money or anything of
 884 value, directly or indirectly, to a reporting individual or
 885 procurement employee, or to any other person on his or her
 886 behalf, as consideration for:

887 1. A speech, address, oration, or other oral presentation
 888 by the reporting individual or procurement employee, regardless
 889 of whether presented in person, recorded, or broadcast over the
 890 media.

891 2. A writing by the reporting individual or procurement
 892 employee, other than a book, which has been or is intended to be
 893 published.

894

895 The term "honorarium" does not include the payment for services
 896 related to employment held outside the reporting individual's or

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897 procurement employee's public position which resulted in the
898 person becoming a reporting individual or procurement employee,
899 any ordinary payment or salary received in consideration for
900 services related to the reporting individual's or procurement
901 employee's public duties, a campaign contribution reported
902 pursuant to chapter 106, or the payment or provision of actual
903 and reasonable transportation, lodging, and food and beverage
904 expenses related to the honorarium event, including any event or
905 meeting registration fee, for a reporting individual or
906 procurement employee and spouse.

907 (b) "Person" includes individuals, firms, associations,
908 joint ventures, partnerships, estates, trusts, business trusts,
909 syndicates, fiduciaries, corporations, and all other groups or
910 combinations.

911 (c) "Reporting individual" means any individual who is
912 required by law, pursuant to s. 8, Art. II of the State
913 Constitution or s. 112.3145, to file a full or limited public
914 disclosure of his or her financial interests.

915 (d)1. "Lobbyist" means any natural person who, for
916 compensation, seeks, or sought during the preceding 12 months,
917 to influence the governmental decisionmaking of a reporting
918 individual or procurement employee or his or her agency or
919 seeks, or sought during the preceding 12 months, to encourage
920 the passage, defeat, or modification of any proposal or
921 recommendation by the reporting individual or procurement
922 employee or his or her agency.

923 2. With respect to an agency that has established by rule,
924 ordinance, or law a registration process for persons seeking to

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925 influence decisionmaking or to encourage the passage, defeat, or
 926 modification of any proposal or recommendation by such agency or
 927 an employee or official of the agency, the term "lobbyist"
 928 includes only a person who is required to be registered as a
 929 lobbyist in accordance with such rule, ordinance, or law or who
 930 was during the preceding 12 months required to be registered as
 931 a lobbyist in accordance with such rule, ordinance, or law. At a
 932 minimum, such a registration system must require the
 933 registration of, or must designate, persons as "lobbyists" who
 934 engage in the same activities as require registration to lobby
 935 the Legislature pursuant to s. 11.045.

936 (e) "Procurement employee" means any employee of an
 937 officer, department, board, commission, ~~or~~ council, or agency of
 938 the executive branch or judicial branch of state government who
 939 has participated in the preceding 12 months ~~participates~~ through
 940 decision, approval, disapproval, recommendation, preparation of
 941 any part of a purchase request, influencing the content of any
 942 specification or procurement standard, rendering of advice,
 943 investigation, or auditing or in any other advisory capacity in
 944 the procurement of contractual services or commodities as
 945 defined in s. 287.012, if the cost of such services or
 946 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 947 any fiscal year.

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

951 (3) A reporting individual or procurement employee is
 952 prohibited from knowingly accepting an honorarium from a

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953 political committee or committee of continuous existence, as
 954 defined in s. 106.011, from a vendor doing business with the
 955 reporting individual's or procurement employee's agency, from a
 956 lobbyist who lobbies the reporting individual's or procurement
 957 employee's agency, or from the employer, principal, partner, or
 958 firm of such a lobbyist.

959 (4) A political committee or committee of continuous
 960 existence, as defined in s. 106.011, a vendor doing business
 961 with the reporting individual's or procurement employee's
 962 agency, a lobbyist who lobbies a reporting individual's or
 963 procurement employee's agency, or the employer, principal,
 964 partner, or firm of such a lobbyist is prohibited from giving an
 965 honorarium to a reporting individual or procurement employee.

966 Section 10. Subsections (1) and (7) of section 112.317,
 967 Florida Statutes, are amended to read:

968 112.317 Penalties.—

969 (1) Violation of any provision of this part, including,
 970 but not limited to, any failure to file any disclosures required
 971 by this part or violation of any standard of conduct imposed by
 972 this part, or violation of any provision of s. 8, Art. II of the
 973 State Constitution, in addition to any criminal penalty or other
 974 civil penalty involved, shall, under applicable constitutional
 975 and statutory procedures, constitute grounds for, and may be
 976 punished by, one or more of the following:

977 (a) In the case of a public officer:

- 978 1. Impeachment.
- 979 2. Removal from office.
- 980 3. Suspension from office.

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- 981 4. Public censure and reprimand.
- 982 5. Forfeiture of no more than one-third salary per month
 983 for no more than 12 months.
- 984 6. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
- 985 7. Restitution of any pecuniary benefits received because
 986 of the violation committed. The commission may recommend that
 987 the restitution penalty be paid to the agency of which the
 988 public officer was a member or to the General Revenue Fund.
- 989 (b) In the case of an employee or a person designated as a
 990 public officer by this part who otherwise would be deemed to be
 991 an employee:
- 992 1. Dismissal from employment.
- 993 2. Suspension from employment for not more than 90 days
 994 without pay.
- 995 3. Demotion.
- 996 4. Reduction in salary level.
- 997 5. Forfeiture of no more than one-third salary per month
 998 for no more than 12 months.
- 999 6. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
- 1000 7. Restitution of any pecuniary benefits received because
 1001 of the violation committed. The commission may recommend that
 1002 the restitution penalty be paid to the agency by which the
 1003 public employee was employed, or of which the officer was deemed
 1004 to be an employee, or to the General Revenue Fund.
- 1005 8. Public censure and reprimand.
- 1006 (c) In the case of a candidate who violates the provisions
 1007 of this part or s. 8(a) and (i), Art. II of the State
 1008 Constitution:

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- 1009 | 1. Disqualification from being on the ballot.
 1010 | 2. Public censure.
 1011 | 3. Reprimand.
 1012 | 4. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
 1013 | (d) In the case of a former public officer or employee who
 1014 | has violated a provision applicable to former officers or
 1015 | employees or whose violation occurred before the officer's or
 1016 | employee's leaving public office or employment:
 1017 | 1. Public censure and reprimand.
 1018 | 2. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
 1019 | 3. Restitution of any pecuniary benefits received because
 1020 | of the violation committed. The commission may recommend that
 1021 | the restitution penalty be paid to the agency of the public
 1022 | officer or employee or to the General Revenue Fund.
 1023 | (e) In the case of a person who is subject to the
 1024 | standards of this part, other than a lobbyist or lobbying firm
 1025 | under s. 112.3215 for a violation of s. 112.3215, but who is not
 1026 | a public officer or employee:
 1027 | 1. Public censure and reprimand.
 1028 | 2. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
 1029 | 3. Restitution of any pecuniary benefits received because
 1030 | of the violation committed. The commission may recommend that
 1031 | the restitution penalty be paid to the agency of the person or
 1032 | to the General Revenue Fund.
 1033 | (7) In any case in which the commission determines that a
 1034 | person has filed a complaint against a public officer or
 1035 | employee with actual malice ~~a malicious intent to injure the~~
 1036 | ~~reputation of such officer or employee by filing the complaint~~

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1037 ~~with knowledge that the complaint contains one or more false~~
 1038 ~~allegations or with reckless disregard for whether the complaint~~
 1039 ~~contains false allegations of fact material to a violation of~~
 1040 ~~this part~~, the complainant shall be liable for costs plus
 1041 reasonable attorney's fees incurred in the defense of the person
 1042 complained against, including the costs and reasonable
 1043 attorney's fees incurred in proving entitlement to and the
 1044 amount of costs and fees. If the complainant fails to pay such
 1045 costs and fees voluntarily within 30 days following such finding
 1046 by the commission, the commission shall forward such information
 1047 to the Department of Legal Affairs, which shall bring a civil
 1048 action in a court of competent jurisdiction to recover the
 1049 amount of such costs and fees awarded by the commission.

1050 Section 11. Subsections (1), (3), (4), (5), (8), and (11)
 1051 of section 112.324, Florida Statutes, are amended to read:

1052 112.324 Procedures on complaints of violations; public
 1053 records and meeting exemptions.—

1054 (1) ~~Upon a written complaint executed on a form prescribed~~
 1055 ~~by the commission and signed under oath or affirmation by any~~
 1056 ~~person~~, The commission shall investigate any alleged violation
 1057 of this part or any other alleged breach of the public trust
 1058 within the jurisdiction of the commission as provided in s.
 1059 8(f), Art. II of the State Constitution in accordance with
 1060 procedures set forth in this section upon:

1061 (a) A written complaint executed on a form prescribed by
 1062 the commission and signed under oath or affirmation by any
 1063 person;

1064 (b) Receipt of reliable and publicly disseminated

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1065 information that seven members of the commission deem sufficient
 1066 to indicate a breach of the public trust. Commission staff may
 1067 not undertake any formal investigation other than collecting
 1068 publicly disseminated information before a determination of
 1069 sufficiency by the commission; or

1070 (c) Receipt of a written referral of a possible violation
 1071 of this part or other possible breach of the public trust from
 1072 the Governor, the Chief Financial Officer, a state attorney, the
 1073 executive director of the Department of Law Enforcement, or
 1074 statewide prosecutor, which seven members of the commission deem
 1075 sufficient to indicate a breach of the public trust. ~~herein.~~

1076
 1077 Within 5 days after receipt of a complaint by the commission or
 1078 after a determination by the commission that the information or
 1079 referral received is deemed sufficient, a copy shall be
 1080 transmitted to the alleged violator.

1081 (3) A preliminary investigation shall be undertaken by the
 1082 commission of each legally sufficient complaint, information, or
 1083 referral over which the commission has jurisdiction to determine
 1084 whether there is probable cause to believe that a violation has
 1085 occurred. If, upon completion of the preliminary investigation,
 1086 the commission finds no probable cause to believe that this part
 1087 has been violated or that any other breach of the public trust
 1088 has been committed, the commission shall dismiss the complaint
 1089 or proceeding with the issuance of a public report to the
 1090 complainant and the alleged violator, stating with particularity
 1091 its reasons for dismissal ~~of the complaint~~. At that time, the
 1092 complaint, the proceeding, and all materials relating to the

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1093 | complaint and the proceeding shall become a matter of public
 1094 | record. If the commission finds from the preliminary
 1095 | investigation probable cause to believe that this part has been
 1096 | violated or that any other breach of the public trust has been
 1097 | committed, it shall so notify the complainant and the alleged
 1098 | violator in writing. Such notification and all documents made or
 1099 | received in the disposition of the complaint or proceeding shall
 1100 | then become public records. Upon request submitted to the
 1101 | commission in writing, any person who the commission finds
 1102 | probable cause to believe has violated any provision of this
 1103 | part or has committed any other breach of the public trust shall
 1104 | be entitled to a public hearing. Such person shall be deemed to
 1105 | have waived the right to a public hearing if the request is not
 1106 | received within 14 days following the mailing of the probable
 1107 | cause notification required by this subsection. However, the
 1108 | commission may on its own motion, require a public hearing, may
 1109 | conduct such further investigation as it deems necessary, and
 1110 | may enter into such stipulations and settlements as it finds to
 1111 | be just and in the best interest of the state. The standard of
 1112 | proof shall be a preponderance of the evidence. The commission
 1113 | is without jurisdiction to, and no respondent may voluntarily or
 1114 | involuntarily, enter into a stipulation or settlement which
 1115 | imposes any penalty, including, but not limited to, a sanction
 1116 | or admonition or any other penalty contained in s. 112.317.
 1117 | Penalties shall be imposed only by the appropriate disciplinary
 1118 | authority as designated in this section.

1119 | (4) If, in cases pertaining to members of the Legislature,
 1120 | upon completion of a full and final investigation by the

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1121 | commission, the commission finds that there has been a violation
 1122 | of this part or of any provision of s. 8, Art. II of the State
 1123 | Constitution, the commission shall forward a copy of the
 1124 | complaint, information, or referral and its findings by
 1125 | certified mail to the President of the Senate or the Speaker of
 1126 | the House of Representatives, whichever is applicable, who shall
 1127 | refer the matter ~~complaint~~ to the appropriate committee for
 1128 | investigation and action which shall be governed by the rules of
 1129 | its respective house. It shall be the duty of the committee to
 1130 | report its final action upon the matter ~~complaint~~ to the
 1131 | commission within 90 days after ~~of~~ the date of transmittal to
 1132 | the respective house. Upon request of the committee, the
 1133 | commission shall submit a recommendation as to what penalty, if
 1134 | any, should be imposed. In the case of a member of the
 1135 | Legislature, the house in which the member serves shall have the
 1136 | power to invoke the penalty provisions of this part.

1137 | (5) If, in cases ~~pertaining to complaints~~ against
 1138 | impeachable officers, upon completion of a full and final
 1139 | investigation by the commission, the commission finds that there
 1140 | has been a violation of this part or of any provision of s. 8,
 1141 | Art. II of the State Constitution, and the commission finds that
 1142 | the violation may constitute grounds for impeachment, the
 1143 | commission shall forward a copy of the complaint, information,
 1144 | or referral and its findings by certified mail to the Speaker of
 1145 | the House of Representatives, who shall refer the matter
 1146 | ~~complaint~~ to the appropriate committee for investigation and
 1147 | action which shall be governed by the rules of the House of
 1148 | Representatives. It shall be the duty of the committee to report

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1149 its final action upon the matter ~~complaint~~ to the commission
 1150 within 90 days after ~~of~~ the date of transmittal.

1151 (8) If, in cases ~~pertaining to complaints~~ other than
 1152 ~~complaints~~ against impeachable officers or members of the
 1153 Legislature, upon completion of a full and final investigation
 1154 by the commission, the commission finds that there has been a
 1155 violation of this part or of s. 8, Art. II of the State
 1156 Constitution, it shall be the duty of the commission to report
 1157 its findings and recommend appropriate action to the proper
 1158 disciplinary official or body as follows, and such official or
 1159 body shall have the power to invoke the penalty provisions of
 1160 this part, including the power to order the appropriate
 1161 elections official to remove a candidate from the ballot for a
 1162 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 1163 State Constitution:

1164 (a) The President of the Senate and the Speaker of the
 1165 House of Representatives, jointly, in any case concerning the
 1166 Public Counsel, members of the Public Service Commission,
 1167 members of the Public Service Commission Nominating Council, the
 1168 Auditor General, the director of the Office of Program Policy
 1169 Analysis and Government Accountability, or members of the
 1170 Legislative Committee on Intergovernmental Relations.

1171 (b) The Supreme Court, in any case concerning an employee
 1172 of the judicial branch.

1173 (c) The President of the Senate, in any case concerning an
 1174 employee of the Senate; the Speaker of the House of
 1175 Representatives, in any case concerning an employee of the House
 1176 of Representatives; or the President and the Speaker, jointly,

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1177 | in any case concerning an employee of a committee of the
 1178 | Legislature whose members are appointed solely by the President
 1179 | and the Speaker or in any case concerning an employee of the
 1180 | Public Counsel, Public Service Commission, Auditor General,
 1181 | Office of Program Policy Analysis and Government Accountability,
 1182 | or Legislative Committee on Intergovernmental Relations.

1183 | (d) Except as otherwise provided by this part, the
 1184 | Governor, in the case of any other public officer, public
 1185 | employee, former public officer or public employee, candidate or
 1186 | former candidate, or person who is not a public officer or
 1187 | employee, other than lobbyists and lobbying firms under s.
 1188 | 112.3215 for violations of s. 112.3215.

1189 | (e) The President of the Senate or the Speaker of the
 1190 | House of Representatives, whichever is applicable, in any case
 1191 | concerning a former member of the Legislature who has violated a
 1192 | provision applicable to former members or whose violation
 1193 | occurred while a member of the Legislature.

1194 | (11) Notwithstanding the provisions of subsections (1)-
 1195 | (8), the commission may, at its discretion, dismiss any
 1196 | complaint, information, or referral at any stage of disposition
 1197 | should it determine that the public interest would not be served
 1198 | by proceeding further, in which case the commission shall issue
 1199 | a public report stating with particularity its reasons for the
 1200 | dismissal.

1201 | Section 12. Subsections (8) and (11) of section 112.3215,
 1202 | Florida Statutes, are amended to read:

1203 | 112.3215 Lobbying before the executive branch or the
 1204 | Constitution Revision Commission; registration and reporting;

1205 investigation by commission.—

1206 (8) (a) The commission shall investigate every sworn
 1207 complaint that is filed with it alleging that a person covered
 1208 by this section has failed to register, has failed to submit a
 1209 compensation report, has made a prohibited expenditure, or has
 1210 knowingly submitted false information in any report or
 1211 registration required in this section.

1212 (b) All proceedings, the complaint, and other records
 1213 relating to the investigation are confidential and exempt from
 1214 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1215 Constitution, and any meetings held pursuant to an investigation
 1216 are exempt from the provisions of s. 286.011(1) and s. 24(b),
 1217 Art. I of the State Constitution either until the alleged
 1218 violator requests in writing that such investigation and
 1219 associated records and meetings be made public or until the
 1220 commission determines, based on the investigation, whether
 1221 probable cause exists to believe that a violation has occurred.

1222 (c) The commission shall investigate any lobbying firm,
 1223 lobbyist, principal, agency, officer, or employee upon receipt
 1224 of information from a sworn complaint or from a random audit of
 1225 lobbying reports indicating a possible violation other than a
 1226 late-filed report.

1227 (d) Records relating to an audit conducted pursuant to
 1228 this section or an investigation conducted pursuant to this
 1229 section or s. 112.32155 are confidential and exempt from s.
 1230 119.07(1) and s. 24(a), Art. I of the State Constitution, and
 1231 any meetings held pursuant to such an investigation or at which
 1232 such an audit is discussed are exempt from s. 286.011 and s.

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1233 24(b), Art. I of the State Constitution either until the
 1234 lobbying firm requests in writing that such investigation and
 1235 associated records and meetings be made public or until the
 1236 commission determines there is probable cause that the audit
 1237 reflects a violation of the reporting laws. This paragraph is
 1238 subject to the Open Government Sunset Review Act in accordance
 1239 with s. 119.15 and shall stand repealed on October 2, 2011,
 1240 unless reviewed and saved from repeal through reenactment by the
 1241 Legislature.

1242 (11) (a) Any person, when in doubt about the applicability
 1243 and interpretation of this section to himself or herself in a
 1244 particular context, may submit in writing the facts of the
 1245 situation to the commission with a request for an advisory
 1246 opinion to establish the standard of duty. An advisory opinion
 1247 shall be rendered by the commission and, until amended or
 1248 revoked, shall be binding on the conduct of the person who
 1249 sought the opinion, unless material facts were omitted or
 1250 misstated in the request.

1251 (b) Any person who is required to be registered or to
 1252 provide information under this section or under rules adopted
 1253 pursuant to this section and who knowingly fails to disclose any
 1254 material fact that is required by this section or by rules
 1255 adopted pursuant to this section, or who knowingly provides
 1256 false information on any report required by this section or by
 1257 rules adopted pursuant to this section, commits a noncriminal
 1258 infraction, punishable by a fine not to exceed \$5,000. Such
 1259 penalty is in addition to any other penalty assessed by the
 1260 Governor and Cabinet pursuant to subsection (10).

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1261 Section 13. Paragraph (a) of subsection (5) of section
 1262 411.01, Florida Statutes, is amended to read:

1263 411.01 School readiness programs; early learning
 1264 coalitions.—

1265 (5) CREATION OF EARLY LEARNING COALITIONS.—

1266 (a) *Early learning coalitions.*—

1267 1. The Agency for Workforce Innovation shall establish the
 1268 minimum number of children to be served by each early learning
 1269 coalition through the coalition's school readiness program. The
 1270 Agency for Workforce Innovation may only approve school
 1271 readiness plans in accordance with this minimum number. The
 1272 minimum number must be uniform for every early learning
 1273 coalition and must:

- 1274 a. Permit 30 or fewer coalitions to be established; and
- 1275 b. Require each coalition to serve at least 2,000 children
 1276 based upon the average number of all children served per month
 1277 through the coalition's school readiness program during the
 1278 previous 12 months.

1279
 1280 The Agency for Workforce Innovation shall adopt procedures for
 1281 merging early learning coalitions, including procedures for the
 1282 consolidation of merging coalitions, and for the early
 1283 termination of the terms of coalition members which are
 1284 necessary to accomplish the mergers. Each early learning
 1285 coalition must comply with the merger procedures and shall be
 1286 organized in accordance with this subparagraph by April 1, 2005.
 1287 By June 30, 2005, each coalition must complete the transfer of
 1288 powers, duties, functions, rules, records, personnel, property,

1289 and unexpended balances of appropriations, allocations, and
 1290 other funds to the successor coalition, if applicable.

1291 2. If an early learning coalition would serve fewer
 1292 children than the minimum number established under subparagraph
 1293 1., the coalition must merge with another county to form a
 1294 multicounty coalition. However, the Agency for Workforce
 1295 Innovation may authorize an early learning coalition to serve
 1296 fewer children than the minimum number established under
 1297 subparagraph 1., if:

1298 a. The coalition demonstrates to the Agency for Workforce
 1299 Innovation that merging with another county or multicounty
 1300 region contiguous to the coalition would cause an extreme
 1301 hardship on the coalition;

1302 b. The Agency for Workforce Innovation has determined
 1303 during the most recent annual review of the coalition's school
 1304 readiness plan, or through monitoring and performance
 1305 evaluations conducted under paragraph (4)(1), that the coalition
 1306 has substantially implemented its plan and substantially met the
 1307 performance standards and outcome measures adopted by the
 1308 agency; and

1309 c. The coalition demonstrates to the Agency for Workforce
 1310 Innovation the coalition's ability to effectively and
 1311 efficiently implement the Voluntary Prekindergarten Education
 1312 Program.

1313
 1314 If an early learning coalition fails or refuses to merge as
 1315 required by this subparagraph, the Agency for Workforce
 1316 Innovation may dissolve the coalition and temporarily contract

1317 | with a qualified entity to continue school readiness and
 1318 | prekindergarten services in the coalition's county or
 1319 | multicounty region until the coalition is reestablished through
 1320 | resubmission of a school readiness plan and approval by the
 1321 | agency.

1322 | 3. Notwithstanding the provisions of subparagraphs 1. and
 1323 | 2., the early learning coalitions in Sarasota, Osceola, and
 1324 | Santa Rosa Counties which were in operation on January 1, 2005,
 1325 | are established and authorized to continue operation as
 1326 | independent coalitions, and shall not be counted within the
 1327 | limit of 30 coalitions established in subparagraph 1.

1328 | 4. Each early learning coalition shall be composed of at
 1329 | least 18 members but not more than 35 members. The Agency for
 1330 | Workforce Innovation shall adopt standards establishing within
 1331 | this range the minimum and maximum number of members that may be
 1332 | appointed to an early learning coalition. These standards must
 1333 | include variations for a coalition serving a multicounty region.
 1334 | Each early learning coalition must comply with these standards.

1335 | 5. The Governor shall appoint the chair and two other
 1336 | members of each early learning coalition, who must each meet the
 1337 | same qualifications as private sector business members appointed
 1338 | by the coalition under subparagraph 7.

1339 | 6. Each early learning coalition must include the
 1340 | following members:

1341 | a. A Department of Children and Family Services district
 1342 | administrator or his or her designee who is authorized to make
 1343 | decisions on behalf of the department.

1344 | b. A district superintendent of schools or his or her

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- 1345 | designee who is authorized to make decisions on behalf of the
 1346 | district, who shall be a nonvoting member.
- 1347 | c. A regional workforce board executive director or his or
 1348 | her designee.
- 1349 | d. A county health department director or his or her
 1350 | designee.
- 1351 | e. A children's services council or juvenile welfare board
 1352 | chair or executive director, if applicable, who shall be a
 1353 | nonvoting member if the council or board is the fiscal agent of
 1354 | the coalition or if the council or board contracts with and
 1355 | receives funds from the coalition for any purpose other than
 1356 | rent.
- 1357 | f. An agency head of a local licensing agency as defined
 1358 | in s. 402.302, where applicable.
- 1359 | g. A president of a community college or his or her
 1360 | designee.
- 1361 | h. One member appointed by a board of county
 1362 | commissioners.
- 1363 | i. A central agency administrator, where applicable, who
 1364 | shall be a nonvoting member.
- 1365 | j. A Head Start director, who shall be a nonvoting member.
- 1366 | k. A representative of private child care providers,
 1367 | including family day care homes, who shall be a nonvoting
 1368 | member.
- 1369 | l. A representative of faith-based child care providers,
 1370 | who shall be a nonvoting member.
- 1371 | m. A representative of programs for children with
 1372 | disabilities under the federal Individuals with Disabilities

1373 Education Act, who shall be a nonvoting member.

1374 7. Including the members appointed by the Governor under
 1375 subparagraph 5., more than one-third of the members of each
 1376 early learning coalition must be private sector business members
 1377 who do not have, and none of whose relatives as defined in s.
 1378 112.3143 has, a substantial financial interest in the design or
 1379 delivery of the Voluntary Prekindergarten Education Program
 1380 created under part V of chapter 1002 or the coalition's school
 1381 readiness program. To meet this requirement an early learning
 1382 coalition must appoint additional members from a list of
 1383 nominees submitted to the coalition by a chamber of commerce or
 1384 economic development council within the geographic region served
 1385 by the coalition. The Agency for Workforce Innovation shall
 1386 establish criteria for appointing private sector business
 1387 members. These criteria must include standards for determining
 1388 whether a member or relative has a substantial financial
 1389 interest in the design or delivery of the Voluntary
 1390 Prekindergarten Education Program or the coalition's school
 1391 readiness program.

1392 8. A majority of the voting membership of an early
 1393 learning coalition constitutes a quorum required to conduct the
 1394 business of the coalition. An early learning coalition board may
 1395 use any method of telecommunications to conduct meetings,
 1396 including establishing a quorum through telecommunications,
 1397 provided that the public is given proper notice of a
 1398 telecommunications meeting and reasonable access to observe and,
 1399 when appropriate, participate.

1400 9. A voting member of an early learning coalition may not

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1401 | appoint a designee to act in his or her place, except as
 1402 | otherwise provided in this paragraph. A voting member may send a
 1403 | representative to coalition meetings, but that representative
 1404 | does not have voting privileges. When a district administrator
 1405 | for the Department of Children and Family Services appoints a
 1406 | designee to an early learning coalition, the designee is the
 1407 | voting member of the coalition, and any individual attending in
 1408 | the designee's place, including the district administrator, does
 1409 | not have voting privileges.

1410 | 10. Each member of an early learning coalition is subject
 1411 | to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
 1412 | 112.3143(3) ~~s. 112.3143(3)(a)~~, each voting member is a local
 1413 | public officer who must abstain from voting when a voting
 1414 | conflict exists.

1415 | 11. For purposes of tort liability, each member or
 1416 | employee of an early learning coalition shall be governed by s.
 1417 | 768.28.

1418 | 12. An early learning coalition serving a multicounty
 1419 | region must include representation from each county.

1420 | 13. Each early learning coalition shall establish terms
 1421 | for all appointed members of the coalition. The terms must be
 1422 | staggered and must be a uniform length that does not exceed 4
 1423 | years per term. Appointed members may serve a maximum of two
 1424 | consecutive terms. When a vacancy occurs in an appointed
 1425 | position, the coalition must advertise the vacancy.

1426 | Section 14. This act shall take effect July 1, 2010.