

By Senator Fasano

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1 A bill to be entitled
2 An act relating to the code of ethics for public
3 officers and employees; amending s. 112.312, F.S.;
4 redefining the terms "business entity," "candidate,"
5 and "gift" as they relate to the code of ethics for
6 public officers and employees; amending s. 112.313,
7 F.S.; providing standards of conduct for public
8 officers and employees of state agencies with regard
9 to improper influence in the performance of official
10 duties; amending s. 112.3135, F.S.; prohibiting a
11 public official from appointing, employing, or
12 promoting a relative for a position in an agency in
13 which the official is a member of the collegial body;
14 providing penalties for the appointed or promoted
15 relative and the public official; creating s.
16 112.3142, F.S.; providing legislative intent;
17 providing definitions; providing that a covered public
18 official does not have a conflict of interest or a
19 voting conflict of interest in an economic interest if
20 he or she holds an economic interest in a qualified
21 blind trust; prohibiting the public official from
22 attempting to influence or exercise control over
23 decisions regarding the management of assets in a
24 qualified blind trust; prohibiting the covered public
25 official and any person having a beneficial interest
26 in the qualified blind trust from obtaining
27 information regarding the holdings of the trust;
28 prohibiting communications about the qualified blind
29 trust between the covered public official and the

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

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

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88 with the reporting individual's or procurement
89 employee's agency; prohibiting a vendor doing business
90 with the reporting individual's or procurement
91 employee's agency from giving an honorarium to a
92 reporting individual or procurement employee; amending
93 s. 112.317, F.S.; increasing certain civil penalties
94 for violating the code of ethics for public officers
95 and employees; revising the standard for the
96 commission to use in determining if a complaint
97 against a public officer or employee is false;
98 amending s. 112.324, F.S.; requiring the commission to
99 investigate any alleged violation of the code of
100 ethics for public officers and employees, or any other
101 alleged breach of the public trust within the
102 jurisdiction of the commission, upon a written
103 complaint or receipt of an information or referral;
104 revising and clarifying procedures regarding
105 violations of the code of ethics for public officers
106 and employees; providing that the standard of proof
107 for a finding of probable cause is by a preponderance
108 of the evidence; amending s. 112.3215, F.S.; requiring
109 the commission to investigate every sworn complaint
110 that is filed alleging that certain persons have made
111 a prohibited expenditure; requiring the commission to
112 investigate any lobbyist or principal upon receipt of
113 information from a sworn complaint or from a random
114 audit of lobbying reports indicating a possible
115 violation; providing for a civil penalty; amending s.
116 411.01, F.S.; conforming a cross-reference; providing

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117 an effective date.

118
119 Be It Enacted by the Legislature of the State of Florida:

120
121 Section 1. Subsections (5), (6), and (12) of section
122 112.312, Florida Statutes, are amended to read:

123 112.312 Definitions.—As used in this part and for purposes
124 of the provisions of s. 8, Art. II of the State Constitution,
125 unless the context otherwise requires:

126 (5) "Business entity" means any corporation, company,
127 partnership, limited partnership, proprietorship, firm,
128 enterprise, franchise, association, self-employed individual, or
129 trust, whether fictitiously named or not, doing business in this
130 state.

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

138 (12) (a) "Gift," for purposes of ethics in government and
139 financial disclosure required by law, means that which is
140 accepted by a donee or by another on the donee's behalf, or that
141 which is paid or given to another for or on behalf of a donee,
142 directly, indirectly, or in trust for the donee's benefit or by
143 any other means, for which equal or greater consideration is not
144 given within 90 days, including:

145 1. Real property.

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- 146 2. The use of real property.
- 147 3. Tangible or intangible personal property.
- 148 4. The use of tangible or intangible personal property.
- 149 5. A preferential rate or terms on a debt, loan, goods, or
150 services, which rate is below the customary rate and is not
151 either a government rate available to all other similarly
152 situated government employees or officials or a rate which is
153 available to similarly situated members of the public by virtue
154 of occupation, affiliation, age, religion, sex, or national
155 origin.
- 156 6. Forgiveness of an indebtedness.
- 157 7. Transportation, other than that provided to a public
158 officer or employee by an agency in relation to officially
159 approved governmental business, lodging, or parking.
- 160 8. Food or beverage.
- 161 9. Membership dues.
- 162 10. Entrance fees, admission fees, or tickets to events,
163 performances, or facilities.
- 164 11. Plants, flowers, or floral arrangements.
- 165 12. Services provided by persons pursuant to a professional
166 license or certificate.
- 167 13. Other personal services for which a fee is normally
168 charged by the person providing the services.
- 169 14. Any other similar service or thing having an
170 attributable value not already provided for in this section.
- 171 (b) "Gift" does not include:
- 172 1. Salary, benefits, services, fees, commissions, gifts, or
173 expenses associated primarily with the donee's employment,
174 business, or service as an officer or director of a corporation

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175 or organization.

176 2. Contributions or expenditures reported pursuant to
177 chapter 106 or federal election law, campaign-related personal
178 services provided without compensation by individuals
179 volunteering their time, or any other contribution or
180 expenditure by a political party.

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

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

186 5. An honorary membership in a service or fraternal
187 organization presented merely as a courtesy by such
188 organization.

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

191 7. Transportation provided to a public officer or employee
192 by an agency in relation to officially approved governmental
193 business.

194 8. Gifts provided directly or indirectly by a state,
195 regional, or national organization which promotes the exchange
196 of ideas between, or the professional development of,
197 governmental officials or employees, and whose membership is
198 primarily composed of elected or appointed public officials or
199 staff, to members of that organization or officials or staff of
200 a governmental agency that is a member of that organization.

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

203 (d) For the purposes of paragraph (a), the term

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204 "consideration" does not include a promise to pay or otherwise
205 provide something of value unless the promise is in writing and
206 enforceable through the courts.

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

209 112.313 Standards of conduct for public officers, employees
210 of agencies, and local government attorneys.—

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

225 Section 3. Paragraph (a) of subsection (2) of section
226 112.3135, Florida Statutes, is amended to read:

227 112.3135 Restriction on employment of relatives.—

228 (2) (a) A public official may not appoint, employ, promote,
229 or advance, or advocate for appointment, employment, promotion,
230 or advancement, in or to a position in the agency in which the
231 official is serving or over which the official exercises
232 jurisdiction or control, or the collegial body of which the

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

259 Section 4. Section 112.3142, Florida Statutes, is created
260 to read:

261 112.3142 Qualified blind trusts.-

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262 (1) The Legislature finds that if a trust is created by a
263 public official and the official does not know the identity of
264 the financial interests held by the trust and does not control
265 the interests held by the trust, his or her official actions
266 will not be influenced or appear to be influenced by private
267 considerations. Thus, the public policy goal to be achieved
268 through reliance on a blind trust is an actual "blindness," or
269 lack of knowledge or control by the official with respect to the
270 interests held in trust.

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

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

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

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

276 (3) If a covered public official holds an economic interest
277 in a qualified blind trust, he or she does not have a conflict
278 of interest prohibited under s. 112.313(3) or s. 112.313(7) or a
279 voting conflict of interest under s. 112.3143 with regard to
280 matters pertaining to that economic interest.

281 (4) Except as otherwise provided in this section, the
282 covered public official may not attempt to influence or exercise
283 any control over decisions regarding the management of assets in
284 a qualified blind trust. The covered public official and each
285 person having a beneficial interest in the qualified blind trust
286 may not make any effort to obtain information with respect to
287 the holdings of the trust, including obtaining a copy of any
288 trust tax return filed or any information relating thereto,
289 except as otherwise provided in this section.

290 (5) Except for communications that consist solely of

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291 requests for distributions of cash or other unspecified assets
292 of the trust, there may not be any direct or indirect
293 communication with respect to the trust between the covered
294 public official or any person having a beneficial interest in
295 the qualified blind trust and the trustee, unless such
296 communication is in writing and unless it relates only to:

297 (a) A request for a distribution from the trust which does
298 not specify whether the distribution shall be made in cash or in
299 kind;

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

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

308 (d) Directions to the trustee to sell all of an asset
309 initially placed in the trust by the covered public official
310 which in the determination of the covered public official
311 creates a conflict of interest or the appearance of a conflict
312 of interest due to the subsequent assumption of duties by the
313 public official.

314 (6) The covered public official shall report as an asset on
315 his or her financial disclosure forms the beneficial interest in
316 the blind trust, and shall report its value if value is required
317 to be disclosed. The covered public official shall report the
318 blind trust as a primary source of income on his or her
319 financial disclosure forms, and shall report its amount if the

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320 amount of income is required to be disclosed. The covered public
321 official is not required to report as a secondary source of
322 income any source of income to the blind trust.

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

326 (a) The person or entity appointed as a trustee must not
327 be:

328 1. The covered public official's spouse, child, parent,
329 grandparent, grandchild, brother, sister, parent-in-law,
330 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
331 the spouse of any such person;

332 2. A person who is an elected or appointed public officer
333 or a public employee; or

334 3. A person who has been appointed to serve in an agency by
335 the covered public official or by a public officer or public
336 employee supervised by the covered public official.

337 (b) The trust agreement that establishes the blind trust
338 must:

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

344 2. Give the trustee complete discretion to manage the
345 trust, including, but not limited to, the power to dispose of
346 and acquire trust assets without consulting or notifying the
347 covered public official or any person having a beneficial
348 interest in the trust.

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349 3. Prohibit communication between the trustee and the
350 covered public official and any person having a beneficial
351 interest in the trust concerning the holdings or sources of
352 income of the trust, except amounts of cash value or net income
353 or loss. However, such report may not identify any asset or
354 holding, except as provided in this section.

355 4. Provide that the trust tax return is to be prepared by
356 the trustee or his or her designee, and that any information
357 relating to the trust tax return is not to be disclosed to the
358 covered public official or to any other beneficiary except as
359 provided in this section.

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

365 6. Prohibit the trustee from disclosing to the covered
366 public official and any person having a beneficial interest in
367 the trust any information concerning replacement assets to the
368 trust, except for the minimum tax information that lists only
369 the totals of taxable items from the trust and does not describe
370 the source of individual items of income.

371 7. Provide that the trustee may not invest trust assets in
372 business entities that he or she knows are regulated by or do a
373 significant amount of business with the covered public
374 official's public agency.

375 8. Provide that the trust is not effective until it is
376 approved by the commission.

377 (c) The obligations of the trustee and the official under

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378 the trust agreement must be observed by them.

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

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

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

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

386 (b) A statement detailing the date the agreement was
387 executed;

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

389 (d) A separate statement signed by the trustee, under
390 penalty of perjury, certifying that he or she will not reveal
391 any information to the covered public official or any person
392 having a beneficial interest in the qualified blind trust,
393 except for information that is authorized under this section,
394 and that, to the best of the trustee's knowledge, the submitted
395 blind trust agreement complies with this section.

396 (9) If the trust is revoked while the covered public
397 official is a public officer, or if the covered public official
398 learns of any replacement assets that have been added to the
399 trust, the covered public official must file an amendment to his
400 or her most recent financial disclosure statement. The amendment
401 must be filed no later than 60 days after the date of revocation
402 or the addition of the replacement assets. The covered public
403 official must disclose the previously unreported pro rata share
404 of the trust's interests in investments or income deriving from
405 any such investments. For purposes of this section, any replaced
406 asset of which the covered public official learns shall

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407 thereafter be treated as though the asset were an original asset
408 of the trust.

409 Section 5. Section 112.3143, Florida Statutes, is amended
410 to read:

411 112.3143 Voting conflicts.—

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

413 (a) "Principal by whom the officer is retained" means an
414 individual or entity, other than an agency as defined in s.
415 112.312(2), which for compensation, salary, pay, consideration,
416 or similar thing of value, has permitted or directed another to
417 act for the individual or entity, and includes, but is not
418 limited to, one's client, employer, or master, or the parent,
419 subsidiary, or sibling organization of one's client, employer,
420 or master.

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

424 (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,
425 husband, wife, brother, sister, father-in-law, mother-in-law,
426 son-in-law, or daughter-in-law.

427 (2) A ~~No~~ state public officer holding an elective office is
428 not prohibited from voting in that ~~an~~ official capacity on any
429 matter. However, when ~~any state public officer~~ voting in an
430 official capacity upon any measure that ~~which~~ would inure to the
431 officer's special private gain or loss; that ~~which~~ he or she
432 knows would inure to the special private gain or loss of any
433 principal by whom the officer is retained ~~or to the parent~~
434 ~~organization or subsidiary of a corporate principal by which the~~
435 ~~officer is retained;~~ or that ~~which~~ the officer knows would inure

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436 to the special private gain or loss of a relative or business
437 associate of the public officer, the officer shall, within 15
438 days after the vote occurs, disclose the nature of all of his or
439 her interests in the matter and disclose the nature of all of
440 the interests of his or her principals, relatives, or business
441 associates which are known to him or her ~~his or her interest~~ as
442 a public record in a memorandum filed with the person
443 responsible for recording the minutes of the meeting, who shall
444 incorporate the memorandum in the minutes.

445 (3) ~~(a)~~ A state public officer holding an appointive
446 position and a ~~No~~ county, municipal, or other local public
447 officer may not ~~shall~~ vote in an official capacity upon any
448 measure that ~~which~~ would inure to his or her special private
449 gain or loss; that ~~which~~ he or she knows would inure to the
450 special private gain or loss of any principal by whom he or she
451 is retained ~~or to the parent organization or subsidiary of a~~
452 ~~corporate principal by which he or she is retained, other than~~
453 ~~an agency as defined in s. 112.312(2); or~~ that ~~which~~ he or she
454 knows would inure to the special private gain or loss of a
455 relative or business associate of the public officer. Such
456 public officer shall, before ~~prior to~~ the vote is ~~being~~ taken,
457 publicly state to the assembly the nature of all of the
458 officer's interests, and all of the interests of his or her
459 principals, relatives, or business associates which are known to
460 him or her, ~~interest~~ in the matter from which he or she is
461 abstaining from voting and, within 15 days after the vote
462 occurs, disclose the nature of all of his or her interests in
463 the matter and disclose the nature of all of the interests of
464 his or her principals, relatives, or business associates which

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465 are known to him or her, ~~his or her interest~~ as a public record
466 in a memorandum filed with the person responsible for recording
467 the minutes of the meeting, who shall incorporate the memorandum
468 in the minutes.

469 ~~(b) However, a commissioner of a community redevelopment~~
470 ~~agency created or designated pursuant to s. 163.356 or s.~~
471 ~~163.357, or an officer of an independent special tax district~~
472 ~~elected on a one-acre, one-vote basis, is not prohibited from~~
473 ~~voting, when voting in said capacity.~~

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

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

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494 (a) Such disclosure, indicating the nature of the conflict,
495 shall be made in a written memorandum filed with the person
496 responsible for recording the minutes of the meeting, prior to
497 the meeting in which consideration of the matter will take
498 place, and shall be incorporated into the minutes. Any such
499 memorandum shall become a public record upon filing, shall
500 immediately be provided to the other members of the agency, and
501 shall be read publicly at the next meeting held subsequent to
502 the filing of this written memorandum.

503 (b) If ~~In the event that~~ disclosure has not been made
504 before ~~prior to~~ the meeting or if ~~that~~ any conflict is unknown
505 before ~~prior to~~ the meeting, the disclosure shall be made orally
506 at the meeting when it becomes known that a conflict exists. A
507 written memorandum disclosing the nature of the conflict shall
508 then be filed within 15 days after the oral disclosure with the
509 person responsible for recording the minutes of the meeting and
510 shall be incorporated into the minutes of the meeting at which
511 the oral disclosure was made. Any such memorandum shall become a
512 public record upon filing, shall immediately be provided to the
513 other members of the agency, and shall be read publicly at the
514 next meeting held subsequent to the filing of this written
515 memorandum.

516 (6) ~~(e)~~ For purposes of this section ~~subsection~~, the term
517 "participate" means any attempt to influence the decision by
518 oral or written communication to any officer, employee, or
519 member of the agency, whether made by the officer or at the
520 officer's direction.

521 (7) ~~(5)~~ Whenever a public officer or former public officer
522 is being considered for appointment or reappointment to public

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523 office, the appointing body shall consider the number and nature
524 of the memoranda of conflict previously filed under this section
525 by the ~~said~~ officer.

526 (8) A public officer, employee of an agency, or local
527 government attorney, knowing that a public officer has a voting
528 conflict of interest as provided under this section, may not aid
529 or assist that public officer in order to influence the decision
530 in such a way as to benefit the officer or his or her principal,
531 relative, or business associate.

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

534 112.3144 Full and public disclosure of financial
535 interests.—

536 (2) A person who is required, pursuant to s. 8, Art. II of
537 the State Constitution, to file a full and public disclosure of
538 financial interests and who has filed a full and public
539 disclosure of financial interests for any calendar or fiscal
540 year is ~~shall~~ not ~~be~~ required to file a statement of financial
541 interests pursuant to s. 112.3145(2) and (3) for the same year
542 or for any part thereof notwithstanding any requirement of this
543 part., ~~except that~~ A candidate for office who has filed a full
544 and public disclosure of financial interests when qualifying as
545 a candidate before July 1 may file a copy of that disclosure,
546 instead of filing a second original disclosure, with the
547 commission as the annual disclosure required under this section.
548 A candidate who does not qualify until after the annual full and
549 public disclosure has been filed under this section shall file a
550 copy of his or her disclosure with the officer before whom he or
551 she qualifies.

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552 Section 7. Subsections (1), (2), and (3) of section
553 112.3145, Florida Statutes, are amended to read:

554 112.3145 Disclosure of financial interests and clients
555 represented before agencies.—

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

558 (a) "Local officer" means:

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

562 2. Any appointed member of any of the following boards,
563 councils, commissions, authorities, or other bodies of any
564 county, municipality, school district, independent special
565 district, or other political subdivision of the state:

566 a. The governing body of the political subdivision, if
567 appointed;

568 ~~b. An expressway authority or transportation authority~~
569 ~~established by general law;~~

570 ~~b.e.~~ A community college or junior college district board
571 of trustees;

572 ~~c.d.~~ A board having the power to enforce local code
573 provisions;

574 ~~d.e.~~ A planning or zoning board, board of adjustment, board
575 of appeals, community redevelopment agency board, or other board
576 having the power to recommend, create, or modify land planning
577 or zoning within the political subdivision, except for citizen
578 advisory committees, technical coordinating committees, and such
579 other groups who only have the power to make recommendations to
580 planning or zoning boards;

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581 ~~e.f.~~ A pension board or retirement board having the power
582 to invest pension or retirement funds or the power to make a
583 binding determination of one's entitlement to or amount of a
584 pension or other retirement benefit; or

585 ~~f.g.~~ Any other appointed member of a local government board
586 who is required to file a statement of financial interests by
587 the appointing authority or the enabling legislation, ordinance,
588 or resolution creating the board.

589 3. Any person holding one or more of the following
590 positions: mayor; county or city manager; chief administrative
591 employee of a county, municipality, or other political
592 subdivision; county or municipal attorney; finance director of a
593 county, municipality, or other political subdivision; chief
594 county or municipal building code inspector; county or municipal
595 water resources coordinator; county or municipal pollution
596 control director; county or municipal environmental control
597 director; county or municipal administrator, with power to grant
598 or deny a land development permit; chief of police; fire chief;
599 municipal clerk; district school superintendent; community
600 college president; district medical examiner; or purchasing
601 agent having the authority to make any purchase exceeding the
602 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
603 behalf of any political subdivision of the state or any entity
604 thereof.

605 (b) "Specified state employee" means:

606 1. Public counsel created by chapter 350, an assistant
607 state attorney, an assistant public defender, a criminal
608 conflict and civil regional counsel, an assistant criminal
609 conflict and civil regional counsel, a full-time state employee

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610 who serves as counsel or assistant counsel to any state agency,
611 the Deputy Chief Judge of Compensation Claims, a judge of
612 compensation claims, an administrative law judge, or a hearing
613 officer.

614 2. Any person employed in the office of the Governor or in
615 the office of any member of the Cabinet if that person is exempt
616 from the Career Service System, except persons employed in
617 clerical, secretarial, or similar positions.

618 3. The State Surgeon General or each appointed secretary,
619 assistant secretary, deputy secretary, executive director,
620 assistant executive director, or deputy executive director of
621 each state department, commission, board, or council; unless
622 otherwise provided, the division director, assistant division
623 director, deputy director, bureau chief, and assistant bureau
624 chief of any state department or division; or any person having
625 the power normally conferred upon such persons, by whatever
626 title.

627 4. The superintendent or institute director of a state
628 mental health institute established for training and research in
629 the mental health field or the warden or director of any major
630 state institution or facility established for corrections,
631 training, treatment, or rehabilitation.

632 5. Business managers, purchasing agents having the power to
633 make any purchase exceeding the threshold amount provided for in
634 s. 287.017 for CATEGORY ONE, finance and accounting directors,
635 personnel officers, or grants coordinators for any state agency.

636 6. Any person, other than a legislative assistant exempted
637 by the presiding officer of the house by which the legislative
638 assistant is employed, who is employed in the legislative branch

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639 of government, except persons employed in maintenance, clerical,
640 secretarial, or similar positions.

641 7. Each employee of the Commission on Ethics.

642 (c) "State officer" means:

643 1. Any elected public officer, excluding those elected to
644 the United States Senate and House of Representatives, not
645 covered elsewhere in this part and any person who is appointed
646 to fill a vacancy for an unexpired term in such an elective
647 office.

648 2. An appointed member of each board, commission,
649 authority, or council having statewide jurisdiction, excluding a
650 member of an advisory body.

651 3. A member of the Board of Governors of the State
652 University System or a state university board of trustees, the
653 Chancellor and Vice Chancellors of the State University System,
654 and the president of a state university.

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

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

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668 (b) Each state or local officer and each specified state
669 employee shall file a statement of financial interests no later
670 than July 1 of each year. Each state officer, local officer, and
671 specified state employee shall file a final statement of
672 financial interests within 60 days after leaving his or her
673 public position for the period between January 1 of the year in
674 which the person leaves and the last day of office or
675 employment, unless within the 60-day period the person takes
676 another public position requiring financial disclosure under
677 this section or s. 8, Art. II of the State Constitution or
678 otherwise is required to file full and public disclosure or a
679 statement of financial interests for the final disclosure
680 period. Each state or local officer who is appointed and each
681 specified state employee who is employed shall file a statement
682 of financial interests within 30 days from the date of
683 appointment or, in the case of a specified state employee, from
684 the date on which the employment begins, except that any person
685 whose appointment is subject to confirmation by the Senate shall
686 file prior to confirmation hearings or within 30 days from the
687 date of appointment, whichever comes first.

688 (c) State officers and specified state employees shall file
689 their statements of financial interests with the Commission on
690 Ethics. Local officers shall file their statements of financial
691 interests with the supervisor of elections of the county in
692 which they permanently reside. Local officers who do not
693 permanently reside in any county in the state shall file their
694 statements of financial interests with the supervisor of
695 elections of the county in which their agency maintains its
696 headquarters. Persons seeking to qualify as candidates for local

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697 public office shall file their statements of financial interests
698 with the officer before whom they qualify.

699 (3) The statement of financial interests for state
700 officers, specified state employees, local officers, and persons
701 seeking to qualify as candidates for state or local office shall
702 be filed even if the reporting person holds no financial
703 interests requiring disclosure, in which case the statement
704 shall be marked "not applicable." Otherwise, the statement of
705 financial interests shall include, at the filer's option,
706 either:

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

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

723 3. The location or description of real property in this
724 state, except for residences and vacation homes, owned directly
725 or indirectly by the person reporting, when such person owns in

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726 excess of 5 percent of the value of such real property, and a
727 general description of any intangible personal property worth in
728 excess of 10 percent of such person's total assets. For the
729 purposes of this paragraph, indirect ownership does not include
730 ownership by a spouse or minor child; and

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

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

740 2. All sources of income to a business entity in excess of
741 10 percent of the gross income of a business entity in which the
742 reporting person held a material interest and from which he or
743 she received gross income exceeding \$5,000 during the disclosure
744 period. The period for computing the gross income of the
745 business entity is the fiscal year of the business entity which
746 ended on, or immediately prior to, the end of the disclosure
747 period of the person reporting;

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

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755 and

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

757
758 A person filing a statement of financial interests shall
759 indicate on the statement whether he or she is using the method
760 specified in paragraph (a) or the method specified in paragraph
761 (b).

762 Section 8. Subsections (2), (3), (4), and (5) of section
763 112.3148, Florida Statutes, are amended to read:

764 112.3148 Reporting and prohibited receipt of gifts by
765 individuals filing full or limited public disclosure of
766 financial interests and by procurement employees.—

767 (2) As used in this section:

768 (a) "Immediate family" means any parent, spouse, child, or
769 sibling.

770 (b)1. "Lobbyist" means any natural person who, for
771 compensation, seeks, or sought during the preceding 12 months,
772 to influence the governmental decisionmaking of a reporting
773 individual or procurement employee or his or her agency or
774 seeks, or sought during the preceding 12 months, to encourage
775 the passage, defeat, or modification of any proposal or
776 recommendation by the reporting individual or procurement
777 employee or his or her agency.

778 2. With respect to an agency that has established by rule,
779 ordinance, or law a registration process for persons seeking to
780 influence decisionmaking or to encourage the passage, defeat, or
781 modification of any proposal or recommendation by such agency or
782 an employee or official of the agency, the term "lobbyist"
783 includes only a person who is required to be registered as a

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784 lobbyist in accordance with such rule, ordinance, or law or who
785 was during the preceding 12 months required to be registered as
786 a lobbyist in accordance with such rule, ordinance, or law. At a
787 minimum, such a registration system must require the
788 registration of, or must designate, persons as "lobbyists" who
789 engage in the same activities as require registration to lobby
790 the Legislature pursuant to s. 11.045.

791 (c) "Person" includes individuals, firms, associations,
792 joint ventures, partnerships, estates, trusts, business trusts,
793 syndicates, fiduciaries, corporations, and all other groups or
794 combinations.

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

807 (e) "Procurement employee" means any employee of an
808 officer, department, board, commission, ~~or~~ council, or agency of
809 the executive branch or judicial branch of state government who
810 has participated in the preceding 12 months ~~participates~~ through
811 decision, approval, disapproval, recommendation, preparation of
812 any part of a purchase request, influencing the content of any

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813 specification or procurement standard, rendering of advice,
814 investigation, or auditing or in any other advisory capacity in
815 the procurement of contractual services or commodities as
816 defined in s. 287.012, if the cost of such services or
817 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
818 any fiscal year.

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

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

833 (4) A reporting individual or procurement employee or any
834 other person on his or her behalf is prohibited from knowingly
835 accepting, directly or indirectly, a gift from a political
836 committee or committee of continuous existence, as defined in s.
837 106.011, from a vendor doing business with the reporting
838 individual's or procurement employee's agency, or from a
839 lobbyist who lobbies the reporting individual's or procurement
840 employee's agency, or directly or indirectly on behalf of the
841 partner, firm, employer, or principal of a lobbyist, if he or

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842 she knows or reasonably believes that the gift has a value in
843 excess of \$100; however, such a gift may be accepted by such
844 person on behalf of a governmental entity or a charitable
845 organization. If the gift is accepted on behalf of a
846 governmental entity or charitable organization, the person
847 receiving the gift shall not maintain custody of the gift for
848 any period of time beyond that reasonably necessary to arrange
849 for the transfer of custody and ownership of the gift.

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

864 (b) However, a person who is regulated by this subsection,
865 who is not regulated by subsection (6), and who makes, or
866 directs another to make, an individual gift having a value in
867 excess of \$25, but not in excess of \$100, other than a gift
868 which the donor knows will be accepted on behalf of a
869 governmental entity or charitable organization, must file a
870 report on the last day of each calendar quarter, for the

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871 previous calendar quarter in which a reportable gift is made.
872 The report shall be filed with the Commission on Ethics, except
873 with respect to gifts to reporting individuals of the
874 legislative branch, in which case the report shall be filed with
875 the Division of Legislative Information Services in the Office
876 of Legislative Services. The report must contain a description
877 of each gift, the monetary value thereof, the name and address
878 of the person making such gift, the name and address of the
879 recipient of the gift, and the date such gift is given. In
880 addition, when a gift is made which requires the filing of a
881 report under this subsection, the donor must notify the intended
882 recipient at the time the gift is made that the donor, or
883 another on his or her behalf, will report the gift under this
884 subsection. Under this paragraph, a gift need not be reported by
885 more than one person or entity.

886 Section 9. Subsections (1), (3), and (4) of section
887 112.3149, Florida Statutes, are amended to read:

888 112.3149 Solicitation and disclosure of honoraria.—

889 (1) As used in this section:

890 (a) "Honorarium" means a payment of money or anything of
891 value, directly or indirectly, to a reporting individual or
892 procurement employee, or to any other person on his or her
893 behalf, as consideration for:

894 1. A speech, address, oration, or other oral presentation
895 by the reporting individual or procurement employee, regardless
896 of whether presented in person, recorded, or broadcast over the
897 media.

898 2. A writing by the reporting individual or procurement
899 employee, other than a book, which has been or is intended to be

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900 published.

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902 The term "honorarium" does not include the payment for services
903 related to employment held outside the reporting individual's or
904 procurement employee's public position which resulted in the
905 person becoming a reporting individual or procurement employee,
906 any ordinary payment or salary received in consideration for
907 services related to the reporting individual's or procurement
908 employee's public duties, a campaign contribution reported
909 pursuant to chapter 106, or the payment or provision of actual
910 and reasonable transportation, lodging, and food and beverage
911 expenses related to the honorarium event, including any event or
912 meeting registration fee, for a reporting individual or
913 procurement employee and spouse.

914 (b) "Person" includes individuals, firms, associations,
915 joint ventures, partnerships, estates, trusts, business trusts,
916 syndicates, fiduciaries, corporations, and all other groups or
917 combinations.

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

922 (d)1. "Lobbyist" means any natural person who, for
923 compensation, seeks, or sought during the preceding 12 months,
924 to influence the governmental decisionmaking of a reporting
925 individual or procurement employee or his or her agency or
926 seeks, or sought during the preceding 12 months, to encourage
927 the passage, defeat, or modification of any proposal or
928 recommendation by the reporting individual or procurement

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929 employee or his or her agency.

930 2. With respect to an agency that has established by rule,
931 ordinance, or law a registration process for persons seeking to
932 influence decisionmaking or to encourage the passage, defeat, or
933 modification of any proposal or recommendation by such agency or
934 an employee or official of the agency, the term "lobbyist"
935 includes only a person who is required to be registered as a
936 lobbyist in accordance with such rule, ordinance, or law or who
937 was during the preceding 12 months required to be registered as
938 a lobbyist in accordance with such rule, ordinance, or law. At a
939 minimum, such a registration system must require the
940 registration of, or must designate, persons as "lobbyists" who
941 engage in the same activities as require registration to lobby
942 the Legislature pursuant to s. 11.045.

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

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

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

966 (4) A political committee or committee of continuous
967 existence, as defined in s. 106.011, a vendor doing business
968 with the reporting individual's or procurement employee's
969 agency, a lobbyist who lobbies a reporting individual's or
970 procurement employee's agency, or the employer, principal,
971 partner, or firm of such a lobbyist is prohibited from giving an
972 honorarium to a reporting individual or procurement employee.

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

975 112.317 Penalties.—

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

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

- 985 1. Impeachment.
986 2. Removal from office.

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- 987 3. Suspension from office.
- 988 4. Public censure and reprimand.
- 989 5. Forfeiture of no more than one-third salary per month
- 990 for no more than 12 months.
- 991 6. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
- 992 7. Restitution of any pecuniary benefits received because
- 993 of the violation committed. The commission may recommend that
- 994 the restitution penalty be paid to the agency of which the
- 995 public officer was a member or to the General Revenue Fund.
- 996 (b) In the case of an employee or a person designated as a
- 997 public officer by this part who otherwise would be deemed to be
- 998 an employee:
- 999 1. Dismissal from employment.
- 1000 2. Suspension from employment for not more than 90 days
- 1001 without pay.
- 1002 3. Demotion.
- 1003 4. Reduction in salary level.
- 1004 5. Forfeiture of no more than one-third salary per month
- 1005 for no more than 12 months.
- 1006 6. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
- 1007 7. Restitution of any pecuniary benefits received because
- 1008 of the violation committed. The commission may recommend that
- 1009 the restitution penalty be paid to the agency by which the
- 1010 public employee was employed, or of which the officer was deemed
- 1011 to be an employee, or to the General Revenue Fund.
- 1012 8. Public censure and reprimand.
- 1013 (c) In the case of a candidate who violates the provisions
- 1014 of this part or s. 8(a) and (i), Art. II of the State
- 1015 Constitution:

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1. Disqualification from being on the ballot.
 2. Public censure.
 3. Reprimand.
 4. A civil penalty not to exceed \$50,000 ~~\$10,000~~.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
 2. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
 3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

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

1. Public censure and reprimand.
 2. A civil penalty not to exceed \$50,000 ~~\$10,000~~.
 3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the person or to the General Revenue Fund.

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with actual malice ~~a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false~~

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1045 ~~allegations or with reckless disregard for whether the complaint~~
1046 ~~contains false allegations of fact material to a violation of~~
1047 ~~this part~~, the complainant shall be liable for costs plus
1048 reasonable attorney's fees incurred in the defense of the person
1049 complained against, including the costs and reasonable
1050 attorney's fees incurred in proving entitlement to and the
1051 amount of costs and fees. If the complainant fails to pay such
1052 costs and fees voluntarily within 30 days following such finding
1053 by the commission, the commission shall forward such information
1054 to the Department of Legal Affairs, which shall bring a civil
1055 action in a court of competent jurisdiction to recover the
1056 amount of such costs and fees awarded by the commission.

1057 Section 11. Subsections (1), (3), (4), (5), (8), and (11)
1058 of section 112.324, Florida Statutes, are amended to read:

1059 112.324 Procedures on complaints of violations; public
1060 records and meeting exemptions.—

1061 ~~(1) Upon a written complaint executed on a form prescribed~~
1062 ~~by the commission and signed under oath or affirmation by any~~
1063 ~~person,~~ The commission shall investigate any alleged violation
1064 of this part or any other alleged breach of the public trust
1065 within the jurisdiction of the commission as provided in s.
1066 8(f), Art. II of the State Constitution in accordance with
1067 procedures set forth in this section upon:

1068 (a) A written complaint executed on a form prescribed by
1069 the commission and signed under oath or affirmation by any
1070 person;

1071 (b) Receipt of reliable and publicly disseminated
1072 information that seven members of the commission deem sufficient
1073 to indicate a breach of the public trust. Commission staff may

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1074 not undertake any formal investigation other than collecting
1075 publicly disseminated information before a determination of
1076 sufficiency by the commission; or

1077 (c) Receipt of a written referral of a possible violation
1078 of this part or other possible breach of the public trust from
1079 the Governor, the Chief Financial Officer, a state attorney, the
1080 executive director of the Department of Law Enforcement, or
1081 statewide prosecutor, which seven members of the commission deem
1082 sufficient to indicate a breach of the public trust. ~~herein.~~

1083
1084 Within 5 days after receipt of a complaint by the commission or
1085 after a determination by the commission that the information or
1086 referral received is deemed sufficient, a copy shall be
1087 transmitted to the alleged violator.

1088 (3) A preliminary investigation shall be undertaken by the
1089 commission of each legally sufficient complaint, information, or
1090 referral over which the commission has jurisdiction to determine
1091 whether there is probable cause to believe that a violation has
1092 occurred. If, upon completion of the preliminary investigation,
1093 the commission finds no probable cause to believe that this part
1094 has been violated or that any other breach of the public trust
1095 has been committed, the commission shall dismiss the complaint
1096 or proceeding with the issuance of a public report to the
1097 complainant and the alleged violator, stating with particularity
1098 its reasons for dismissal ~~of the complaint~~. At that time, the
1099 complaint, the proceeding, and all materials relating to the
1100 complaint and the proceeding shall become a matter of public
1101 record. If the commission finds from the preliminary
1102 investigation probable cause to believe that this part has been

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1103 violated or that any other breach of the public trust has been
1104 committed, it shall so notify the complainant and the alleged
1105 violator in writing. Such notification and all documents made or
1106 received in the disposition of the complaint or proceeding shall
1107 then become public records. Upon request submitted to the
1108 commission in writing, any person who the commission finds
1109 probable cause to believe has violated any provision of this
1110 part or has committed any other breach of the public trust shall
1111 be entitled to a public hearing. Such person shall be deemed to
1112 have waived the right to a public hearing if the request is not
1113 received within 14 days following the mailing of the probable
1114 cause notification required by this subsection. However, the
1115 commission may on its own motion, require a public hearing, may
1116 conduct such further investigation as it deems necessary, and
1117 may enter into such stipulations and settlements as it finds to
1118 be just and in the best interest of the state. The standard of
1119 proof shall be a preponderance of the evidence. The commission
1120 is without jurisdiction to, and no respondent may voluntarily or
1121 involuntarily, enter into a stipulation or settlement which
1122 imposes any penalty, including, but not limited to, a sanction
1123 or admonition or any other penalty contained in s. 112.317.
1124 Penalties shall be imposed only by the appropriate disciplinary
1125 authority as designated in this section.

1126 (4) If, in cases pertaining to members of the Legislature,
1127 upon completion of a full and final investigation by the
1128 commission, the commission finds that there has been a violation
1129 of this part or of any provision of s. 8, Art. II of the State
1130 Constitution, the commission shall forward a copy of the
1131 complaint, information, or referral and its findings by

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1132 certified mail to the President of the Senate or the Speaker of
1133 the House of Representatives, whichever is applicable, who shall
1134 refer the matter ~~complaint~~ to the appropriate committee for
1135 investigation and action which shall be governed by the rules of
1136 its respective house. It shall be the duty of the committee to
1137 report its final action upon the matter ~~complaint~~ to the
1138 commission within 90 days after ~~of~~ the date of transmittal to
1139 the respective house. Upon request of the committee, the
1140 commission shall submit a recommendation as to what penalty, if
1141 any, should be imposed. In the case of a member of the
1142 Legislature, the house in which the member serves shall have the
1143 power to invoke the penalty provisions of this part.

1144 (5) If, in cases ~~pertaining to complaints~~ against
1145 impeachable officers, upon completion of a full and final
1146 investigation by the commission, the commission finds that there
1147 has been a violation of this part or of any provision of s. 8,
1148 Art. II of the State Constitution, and the commission finds that
1149 the violation may constitute grounds for impeachment, the
1150 commission shall forward a copy of the complaint, information,
1151 or referral and its findings by certified mail to the Speaker of
1152 the House of Representatives, who shall refer the matter
1153 ~~complaint~~ to the appropriate committee for investigation and
1154 action which shall be governed by the rules of the House of
1155 Representatives. It shall be the duty of the committee to report
1156 its final action upon the matter ~~complaint~~ to the commission
1157 within 90 days after ~~of~~ the date of transmittal.

1158 (8) If, in cases ~~pertaining to complaints~~ other than
1159 ~~complaints~~ against impeachable officers or members of the
1160 Legislature, upon completion of a full and final investigation

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1161 by the commission, the commission finds that there has been a
1162 violation of this part or of s. 8, Art. II of the State
1163 Constitution, it shall be the duty of the commission to report
1164 its findings and recommend appropriate action to the proper
1165 disciplinary official or body as follows, and such official or
1166 body shall have the power to invoke the penalty provisions of
1167 this part, including the power to order the appropriate
1168 elections official to remove a candidate from the ballot for a
1169 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
1170 State Constitution:

1171 (a) The President of the Senate and the Speaker of the
1172 House of Representatives, jointly, in any case concerning the
1173 Public Counsel, members of the Public Service Commission,
1174 members of the Public Service Commission Nominating Council, the
1175 Auditor General, the director of the Office of Program Policy
1176 Analysis and Government Accountability, or members of the
1177 Legislative Committee on Intergovernmental Relations.

1178 (b) The Supreme Court, in any case concerning an employee
1179 of the judicial branch.

1180 (c) The President of the Senate, in any case concerning an
1181 employee of the Senate; the Speaker of the House of
1182 Representatives, in any case concerning an employee of the House
1183 of Representatives; or the President and the Speaker, jointly,
1184 in any case concerning an employee of a committee of the
1185 Legislature whose members are appointed solely by the President
1186 and the Speaker or in any case concerning an employee of the
1187 Public Counsel, Public Service Commission, Auditor General,
1188 Office of Program Policy Analysis and Government Accountability,
1189 or Legislative Committee on Intergovernmental Relations.

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1190 (d) Except as otherwise provided by this part, the
1191 Governor, in the case of any other public officer, public
1192 employee, former public officer or public employee, candidate or
1193 former candidate, or person who is not a public officer or
1194 employee, other than lobbyists and lobbying firms under s.
1195 112.3215 for violations of s. 112.3215.

1196 (e) The President of the Senate or the Speaker of the House
1197 of Representatives, whichever is applicable, in any case
1198 concerning a former member of the Legislature who has violated a
1199 provision applicable to former members or whose violation
1200 occurred while a member of the Legislature.

1201 (11) Notwithstanding the provisions of subsections (1)-(8),
1202 the commission may, at its discretion, dismiss any complaint,
1203 information, or referral at any stage of disposition should it
1204 determine that the public interest would not be served by
1205 proceeding further, in which case the commission shall issue a
1206 public report stating with particularity its reasons for the
1207 dismissal.

1208 Section 12. Subsections (8) and (11) of section 112.3215,
1209 Florida Statutes, are amended to read:

1210 112.3215 Lobbying before the executive branch or the
1211 Constitution Revision Commission; registration and reporting;
1212 investigation by commission.—

1213 (8)(a) The commission shall investigate every sworn
1214 complaint that is filed with it alleging that a person covered
1215 by this section has failed to register, has failed to submit a
1216 compensation report, has made a prohibited expenditure, or has
1217 knowingly submitted false information in any report or
1218 registration required in this section.

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1219 (b) All proceedings, the complaint, and other records
1220 relating to the investigation are confidential and exempt from
1221 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1222 Constitution, and any meetings held pursuant to an investigation
1223 are exempt from the provisions of s. 286.011(1) and s. 24(b),
1224 Art. I of the State Constitution either until the alleged
1225 violator requests in writing that such investigation and
1226 associated records and meetings be made public or until the
1227 commission determines, based on the investigation, whether
1228 probable cause exists to believe that a violation has occurred.

1229 (c) The commission shall investigate any lobbying firm,
1230 lobbyist, principal, agency, officer, or employee upon receipt
1231 of information from a sworn complaint or from a random audit of
1232 lobbying reports indicating a possible violation other than a
1233 late-filed report.

1234 (d) Records relating to an audit conducted pursuant to this
1235 section or an investigation conducted pursuant to this section
1236 or s. 112.32155 are confidential and exempt from s. 119.07(1)
1237 and s. 24(a), Art. I of the State Constitution, and any meetings
1238 held pursuant to such an investigation or at which such an audit
1239 is discussed are exempt from s. 286.011 and s. 24(b), Art. I of
1240 the State Constitution either until the lobbying firm requests
1241 in writing that such investigation and associated records and
1242 meetings be made public or until the commission determines there
1243 is probable cause that the audit reflects a violation of the
1244 reporting laws. This paragraph is subject to the Open Government
1245 Sunset Review Act in accordance with s. 119.15 and shall stand
1246 repealed on October 2, 2011, unless reviewed and saved from
1247 repeal through reenactment by the Legislature.

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1248 (11) (a) Any person, when in doubt about the applicability
1249 and interpretation of this section to himself or herself in a
1250 particular context, may submit in writing the facts of the
1251 situation to the commission with a request for an advisory
1252 opinion to establish the standard of duty. An advisory opinion
1253 shall be rendered by the commission and, until amended or
1254 revoked, shall be binding on the conduct of the person who
1255 sought the opinion, unless material facts were omitted or
1256 misstated in the request.

1257 (b) Any person who is required to be registered or to
1258 provide information under this section or under rules adopted
1259 pursuant to this section and who knowingly fails to disclose any
1260 material fact that is required by this section or by rules
1261 adopted pursuant to this section, or who knowingly provides
1262 false information on any report required by this section or by
1263 rules adopted pursuant to this section, commits a noncriminal
1264 infraction, punishable by a fine not to exceed \$5,000. Such
1265 penalty is in addition to any other penalty assessed by the
1266 Governor and Cabinet pursuant to subsection (10).

1267 Section 13. Paragraph (a) of subsection (5) of section
1268 411.01, Florida Statutes, is amended to read:

1269 411.01 School readiness programs; early learning
1270 coalitions.—

1271 (5) CREATION OF EARLY LEARNING COALITIONS.—

1272 (a) *Early learning coalitions.*—

1273 1. The Agency for Workforce Innovation shall establish the
1274 minimum number of children to be served by each early learning
1275 coalition through the coalition's school readiness program. The
1276 Agency for Workforce Innovation may only approve school

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1277 readiness plans in accordance with this minimum number. The
1278 minimum number must be uniform for every early learning
1279 coalition and must:

- 1280 a. Permit 30 or fewer coalitions to be established; and
1281 b. Require each coalition to serve at least 2,000 children
1282 based upon the average number of all children served per month
1283 through the coalition's school readiness program during the
1284 previous 12 months.

1285
1286 The Agency for Workforce Innovation shall adopt procedures for
1287 merging early learning coalitions, including procedures for the
1288 consolidation of merging coalitions, and for the early
1289 termination of the terms of coalition members which are
1290 necessary to accomplish the mergers. Each early learning
1291 coalition must comply with the merger procedures and shall be
1292 organized in accordance with this subparagraph by April 1, 2005.
1293 By June 30, 2005, each coalition must complete the transfer of
1294 powers, duties, functions, rules, records, personnel, property,
1295 and unexpended balances of appropriations, allocations, and
1296 other funds to the successor coalition, if applicable.

1297 2. If an early learning coalition would serve fewer
1298 children than the minimum number established under subparagraph
1299 1., the coalition must merge with another county to form a
1300 multicounty coalition. However, the Agency for Workforce
1301 Innovation may authorize an early learning coalition to serve
1302 fewer children than the minimum number established under
1303 subparagraph 1., if:

- 1304 a. The coalition demonstrates to the Agency for Workforce
1305 Innovation that merging with another county or multicounty

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1306 region contiguous to the coalition would cause an extreme
1307 hardship on the coalition;

1308 b. The Agency for Workforce Innovation has determined
1309 during the most recent annual review of the coalition's school
1310 readiness plan, or through monitoring and performance
1311 evaluations conducted under paragraph (4)(1), that the coalition
1312 has substantially implemented its plan and substantially met the
1313 performance standards and outcome measures adopted by the
1314 agency; and

1315 c. The coalition demonstrates to the Agency for Workforce
1316 Innovation the coalition's ability to effectively and
1317 efficiently implement the Voluntary Prekindergarten Education
1318 Program.

1319
1320 If an early learning coalition fails or refuses to merge as
1321 required by this subparagraph, the Agency for Workforce
1322 Innovation may dissolve the coalition and temporarily contract
1323 with a qualified entity to continue school readiness and
1324 prekindergarten services in the coalition's county or
1325 multicounty region until the coalition is reestablished through
1326 resubmission of a school readiness plan and approval by the
1327 agency.

1328 3. Notwithstanding the provisions of subparagraphs 1. and
1329 2., the early learning coalitions in Sarasota, Osceola, and
1330 Santa Rosa Counties which were in operation on January 1, 2005,
1331 are established and authorized to continue operation as
1332 independent coalitions, and shall not be counted within the
1333 limit of 30 coalitions established in subparagraph 1.

1334 4. Each early learning coalition shall be composed of at

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1335 least 18 members but not more than 35 members. The Agency for
1336 Workforce Innovation shall adopt standards establishing within
1337 this range the minimum and maximum number of members that may be
1338 appointed to an early learning coalition. These standards must
1339 include variations for a coalition serving a multicounty region.
1340 Each early learning coalition must comply with these standards.

1341 5. The Governor shall appoint the chair and two other
1342 members of each early learning coalition, who must each meet the
1343 same qualifications as private sector business members appointed
1344 by the coalition under subparagraph 7.

1345 6. Each early learning coalition must include the following
1346 members:

1347 a. A Department of Children and Family Services district
1348 administrator or his or her designee who is authorized to make
1349 decisions on behalf of the department.

1350 b. A district superintendent of schools or his or her
1351 designee who is authorized to make decisions on behalf of the
1352 district, who shall be a nonvoting member.

1353 c. A regional workforce board executive director or his or
1354 her designee.

1355 d. A county health department director or his or her
1356 designee.

1357 e. A children's services council or juvenile welfare board
1358 chair or executive director, if applicable, who shall be a
1359 nonvoting member if the council or board is the fiscal agent of
1360 the coalition or if the council or board contracts with and
1361 receives funds from the coalition for any purpose other than
1362 rent.

1363 f. An agency head of a local licensing agency as defined in

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- 1364 s. 402.302, where applicable.
- 1365 g. A president of a community college or his or her
- 1366 designee.
- 1367 h. One member appointed by a board of county commissioners.
- 1368 i. A central agency administrator, where applicable, who
- 1369 shall be a nonvoting member.
- 1370 j. A Head Start director, who shall be a nonvoting member.
- 1371 k. A representative of private child care providers,
- 1372 including family day care homes, who shall be a nonvoting
- 1373 member.
- 1374 l. A representative of faith-based child care providers,
- 1375 who shall be a nonvoting member.
- 1376 m. A representative of programs for children with
- 1377 disabilities under the federal Individuals with Disabilities
- 1378 Education Act, who shall be a nonvoting member.
- 1379 7. Including the members appointed by the Governor under
- 1380 subparagraph 5., more than one-third of the members of each
- 1381 early learning coalition must be private sector business members
- 1382 who do not have, and none of whose relatives as defined in s.
- 1383 112.3143 has, a substantial financial interest in the design or
- 1384 delivery of the Voluntary Prekindergarten Education Program
- 1385 created under part V of chapter 1002 or the coalition's school
- 1386 readiness program. To meet this requirement an early learning
- 1387 coalition must appoint additional members from a list of
- 1388 nominees submitted to the coalition by a chamber of commerce or
- 1389 economic development council within the geographic region served
- 1390 by the coalition. The Agency for Workforce Innovation shall
- 1391 establish criteria for appointing private sector business
- 1392 members. These criteria must include standards for determining

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1393 whether a member or relative has a substantial financial
1394 interest in the design or delivery of the Voluntary
1395 Prekindergarten Education Program or the coalition's school
1396 readiness program.

1397 8. A majority of the voting membership of an early learning
1398 coalition constitutes a quorum required to conduct the business
1399 of the coalition. An early learning coalition board may use any
1400 method of telecommunications to conduct meetings, including
1401 establishing a quorum through telecommunications, provided that
1402 the public is given proper notice of a telecommunications
1403 meeting and reasonable access to observe and, when appropriate,
1404 participate.

1405 9. A voting member of an early learning coalition may not
1406 appoint a designee to act in his or her place, except as
1407 otherwise provided in this paragraph. A voting member may send a
1408 representative to coalition meetings, but that representative
1409 does not have voting privileges. When a district administrator
1410 for the Department of Children and Family Services appoints a
1411 designee to an early learning coalition, the designee is the
1412 voting member of the coalition, and any individual attending in
1413 the designee's place, including the district administrator, does
1414 not have voting privileges.

1415 10. Each member of an early learning coalition is subject
1416 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
1417 112.3143(3) ~~s. 112.3143(3)(a)~~, each voting member is a local
1418 public officer who must abstain from voting when a voting
1419 conflict exists.

1420 11. For purposes of tort liability, each member or employee
1421 of an early learning coalition shall be governed by s. 768.28.

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1422 12. An early learning coalition serving a multicounty
1423 region must include representation from each county.

1424 13. Each early learning coalition shall establish terms for
1425 all appointed members of the coalition. The terms must be
1426 staggered and must be a uniform length that does not exceed 4
1427 years per term. Appointed members may serve a maximum of two
1428 consecutive terms. When a vacancy occurs in an appointed
1429 position, the coalition must advertise the vacancy.

1430 Section 14. This act shall take effect July 1, 2010.