

By Senator Fasano

11-00094-12

2012304\_\_

1                                   A bill to be entitled  
2           An act relating to governmental ethics; amending s.  
3           112.312, F.S.; revising definitions; amending s.  
4           112.313, F.S.; requiring that all disclosures  
5           otherwise required by law be made in writing on forms  
6           prescribed by the Commission on Ethics; providing that  
7           a public officer may not act in such a way that  
8           suggests that the officer can be improperly influenced  
9           by that person when the public officer is performing  
10          his or her official duties; amending s. 112.3135,  
11          F.S.; providing penalties if a public official makes a  
12          prohibited appointment, employment, promotion, or  
13          advancement decision; creating s. 112.3142, F.S.,  
14          pertaining to the establishment of qualified blind  
15          trusts for public officials; providing legislative  
16          findings and intent; defining terms; providing that if  
17          a covered public official holds an economic interest  
18          in a qualified blind trust, he or she does not have a  
19          conflict of interest that would otherwise be  
20          prohibited by law; prohibiting a covered public  
21          official from attempting to influence or exercise any  
22          control over decisions regarding the management of  
23          assets in a qualified blind trust; prohibiting direct  
24          or indirect communication between the covered public  
25          official or any person having a beneficial interest in  
26          the blind trust and the trustee; providing exemptions;  
27          requiring a covered public official to report as an  
28          asset on his or her financial disclosure forms the  
29          beneficial interest, and its value if required, which

11-00094-12

2012304\_\_

30 he or she has in the trust; specifying the required  
31 elements necessary to establish a qualified blind  
32 trust; specifying the required elements necessary to  
33 be a trustee; specifying the required elements in the  
34 trust agreement; providing that the trust is not  
35 effective unless approved by the Commission on Ethics;  
36 requiring that the trustee and the official observe  
37 the obligations of the trust agreement; providing that  
38 the trust contain only readily marketable assets;  
39 requiring that the trust agreement be filed with the  
40 commission within a specified time; providing for the  
41 filing of an amendment to a financial disclosure  
42 statement of a covered public official in specified  
43 circumstances; amending s. 112.3143, F.S.; defining  
44 the term "principal"; requiring a state public officer  
45 holding an elected or appointed office to publicly  
46 state the nature of all of the officer's interests,  
47 and all of the interests of his or her principals,  
48 relatives, or business associates which are known to  
49 him or her, in the matter from which the officer is  
50 abstaining from voting; requiring the officer to file  
51 documents within 15 days after a vote occurs which  
52 disclose the nature of all of the officer's interests  
53 as a public record; providing an exemption for certain  
54 specified officers; amending s. 112.3144, F.S.;

55 requiring a candidate for a local office who has filed  
56 a full and public disclosure of financial interests  
57 when qualifying as a candidate to file a copy of that  
58 disclosure, instead of filing a second original

11-00094-12

2012304

59 disclosure, with the commission; amending s. 112.3145,  
60 F.S.; revising definitions of the terms "local  
61 officer" and "specified state employee"; requiring a  
62 candidate for a state office who has filed a full and  
63 public disclosure of financial interests when  
64 qualifying as a candidate to file a copy of that  
65 disclosure, instead of filing a second original  
66 disclosure, with the commission; amending s. 112.3148,  
67 F.S.; revising definitions and defining the term  
68 "vendor"; prohibiting a reporting individual or  
69 procurement employee from soliciting or accepting a  
70 gift in excess of a certain value from a vendor;  
71 requiring each reporting individual or procurement  
72 employee to file a statement with the commission by a  
73 specified date containing a list of gifts that he or  
74 she believes to have a value in excess of a stated  
75 amount; providing exceptions; specifying the contents  
76 of the gift report; amending s. 112.3149, F.S.;  
77 defining the term "vendor"; prohibiting a reporting  
78 individual or procurement employee from knowingly  
79 accepting an honorarium from a vendor doing business  
80 with the reporting individual's or procurement  
81 employee's agency; prohibiting the vendor from giving  
82 an honorarium to the reporting individual or  
83 procurement employee; amending s. 112.317, F.S.;  
84 raising the civil penalties that may be imposed for  
85 violations of ch. 112, F.S., from \$10,000 to \$100,000;  
86 providing that a person who knowingly fails to file  
87 the required disclosure of documents by a specified

11-00094-12

2012304\_\_

88 date commits a misdemeanor of the first degree;  
89 providing criminal penalties; providing that a person  
90 who files a complaint with actual malice against a  
91 public officer is liable for costs and attorney's  
92 fees; amending s. 112.3215, F.S.; providing that a  
93 person who is required to register as a lobbyist with  
94 the executive branch or the Constitution Revision  
95 Commission or to provide information on a report  
96 required by the Commission on Ethics but who fails to  
97 disclose a material fact or provides false information  
98 commits a noncriminal infraction; providing a fine for  
99 such infraction; amending s. 112.324, F.S.; providing  
100 procedures for investigations of complaints filed with  
101 the commission; amending ss. 310.151 and 411.01, F.S.;  
102 conforming cross-references; providing an effective  
103 date.

104

105 Be It Enacted by the Legislature of the State of Florida:

106

107 Section 1. Subsections (5) and (6) of section 112.312,  
108 Florida Statutes, are amended to read:

109 112.312 Definitions.—As used in this part and for purposes  
110 of the provisions of s. 8, Art. II of the State Constitution,  
111 unless the context otherwise requires:

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

11-00094-12

2012304

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

124 Section 2. Subsection (12) of section 112.313, Florida  
125 Statutes, is amended, and subsection (18) is added to that  
126 section, to read:

127 112.313 Standards of conduct for public officers, employees  
128 of agencies, and local government attorneys.—

129 (12) EXEMPTION.—The requirements of subsections (3) and  
130 (7), as they pertain to persons serving on advisory boards, may  
131 be waived in a particular instance by the body that ~~which~~  
132 appointed the person to the advisory board, upon a full  
133 disclosure of the transaction or relationship to the appointing  
134 body before ~~prior to~~ the waiver and an affirmative vote in favor  
135 of waiver by a two-thirds vote of that body. If the ~~In instances~~  
136 ~~in which~~ appointment to the advisory board is made by an  
137 individual, the waiver may be effected, after a public hearing,  
138 by a determination by the appointing person and a full  
139 disclosure of the transaction or relationship by the appointee  
140 to the appointing person. In addition, a ~~no~~ person may not ~~shall~~  
141 be held in violation of subsection (3) or subsection (7) if:

142 (a) Within a municipality ~~city~~ or county, the business is  
143 transacted under a rotation system whereby the business  
144 transactions are rotated among all qualified suppliers of the  
145 goods or services within the municipality ~~city~~ or county.

11-00094-12

2012304\_\_

146 (b) The business is awarded under a system of sealed,  
147 competitive bidding to the lowest or best bidder and:

148 1. The official or the official's spouse or child has not  
149 ~~in no way~~ participated in the determination of the bid  
150 specifications or the determination of the lowest or best  
151 bidder;

152 2. The official or the official's spouse or child has not  
153 ~~in no way~~ used or attempted to use the official's influence to  
154 persuade the agency or any personnel thereof to enter such a  
155 contract other than by the mere submission of the bid; and

156 3. The official, before ~~prior to~~ or at the time of the  
157 submission of the bid, ~~has~~ filed a statement with the Commission  
158 on Ethics, if the official is a state officer or employee, or  
159 with the supervisor of elections of the county in which the  
160 agency has its principal office, if the official is an officer  
161 or employee of a political subdivision, disclosing the  
162 official's interest, or the interest of the official's spouse or  
163 child, and the nature of the intended business.

164 (c) The purchase or sale is for legal advertising in a  
165 newspaper, for any utilities service, or for passage on a common  
166 carrier.

167 (d) An emergency purchase or contract that ~~which~~ would  
168 otherwise violate ~~a provision of~~ subsection (3) or subsection  
169 (7) must be made in order to protect the health, safety, or  
170 welfare of residents ~~the citizens~~ of the state or any political  
171 subdivision thereof.

172 (e) The business entity involved is the only source of  
173 supply within the political subdivision of the officer or  
174 employee and there is full disclosure by the officer or employee

11-00094-12

2012304

175 of his or her interest in the business entity to the governing  
176 body of the political subdivision before ~~prior to~~ the purchase,  
177 rental, sale, leasing, or other business is being transacted.

178 (f) The total amount of the transactions in the aggregate  
179 between the business entity and the agency does not exceed \$500  
180 per calendar year.

181 (g) The fact that a county or municipal officer or member  
182 of a public board or body, including a district school officer  
183 or an officer of any district within a county, is a stockholder,  
184 officer, or director of a bank does will not bar such bank from  
185 qualifying as a depository of funds coming under the  
186 jurisdiction of any such public board or body if, ~~provided~~ it  
187 appears in the records of the agency that the governing body of  
188 the agency has determined that such officer or member ~~of a~~  
189 ~~public board or body~~ has not favored such bank over other  
190 qualified banks.

191 (h) The transaction is made pursuant to s. 1004.22 or s.  
192 1004.23 and is specifically approved by the president and the  
193 chair of the university board of trustees. The chair of the  
194 university board of trustees shall annually submit to the  
195 Governor and the Legislature by March 1 ~~of each year~~ a report of  
196 the transactions approved pursuant to this paragraph during the  
197 preceding year.

198 (i) The public officer or employee purchases in a private  
199 capacity goods or services, at a price and upon terms available  
200 to similarly situated members of the general public, from a  
201 business entity that ~~which~~ is doing business with his or her  
202 agency.

203 (j) The public officer or employee in a private capacity

11-00094-12

2012304\_\_

204 purchases goods or services from a business entity that ~~which~~ is  
205 subject to the regulation of his or her agency and:

206 1. The price and terms of the transaction are available to  
207 similarly situated members of the general public; and

208 2. The officer or employee makes full disclosure of the  
209 relationship to the agency head or governing body before ~~prior~~  
210 ~~to~~ the transaction.

211

212 All disclosures required by this subsection must be made in  
213 writing on forms prescribed by the commission as provided in s.  
214 112.3147.

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

228 Section 3. Subsection (2) of section 112.3135, Florida  
229 Statutes, is amended to read:

230 112.3135 Restriction on employment of relatives.—

231 (2) ~~(a)~~ A public official may not appoint, employ, promote,  
232 or advance, or advocate for the appointment, employment,



11-00094-12

2012304\_\_

233 promotion, or advancement, in or to a position in the agency in  
 234 which the official is serving or over which the official, or the  
 235 collegial body of which the official is a member, exercises  
 236 jurisdiction or control any individual who is a relative of the  
 237 public official. An individual may not be appointed, employed,  
 238 promoted, or advanced in or to a position in an agency if such  
 239 appointment, employment, promotion, or advancement has been  
 240 advocated by a public official, serving in or exercising  
 241 jurisdiction or control over the agency, who is a relative of  
 242 the individual or if such appointment, employment, promotion, or  
 243 advancement is made by a collegial body of which a relative of  
 244 the individual is a member.

245 (a) If a prohibited appointment, employment, promotion, or  
 246 advancement occurs, both the public official and the individual  
 247 are subject to penalties under s. 112.317. However, if the  
 248 appointment, employment, promotion, or advancement is made by  
 249 the collegial body of which the public official is a member  
 250 without the public official's participation, only the individual  
 251 is subject to penalties under s. 112.317. However,

252 (b) This subsection does shall not apply to:

253 1. Appointments to boards other than those with land-  
 254 planning or zoning responsibilities in ~~those~~ municipalities that  
 255 have a population of fewer ~~with less~~ than 35,000 ~~population.~~  
 256 ~~This subsection does not apply to~~

257 2. Persons serving in a volunteer capacity who provide  
 258 emergency medical, firefighting, or police services. Such  
 259 persons may receive, without losing their volunteer status,  
 260 reimbursements for the costs of any training they get relating  
 261 to the provision of such volunteer ~~emergency medical,~~

11-00094-12

2012304

262 firefighting, ~~or police~~ services and payment for any incidental  
263 expenses relating to the ~~these~~ services ~~that~~ they provide.

264 (c) ~~(b)~~ Mere approval of budgets is ~~shall~~ not ~~be~~ sufficient  
265 to constitute "jurisdiction or control" for the purposes of this  
266 subsection ~~section~~.

267 Section 4. Section 112.3142, Florida Statutes, is created  
268 to read:

269 112.3142 Qualified blind trusts.-

270 (1) The Legislature finds that if a public official creates  
271 a trust and if the public official does not know the identity of  
272 the financial interests held by the trust and does not control  
273 the interests held by the trust, his or her official actions  
274 will not be influenced or appear to be influenced by private  
275 considerations. Thus, it is the intent of the Legislature that  
276 the public policy goal of this state, which is to be achieved  
277 through reliance on a blind trust, be an actual "blindness" or  
278 lack of knowledge or control by the official with respect to the  
279 interests held in trust.

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

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

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

283 (c) "Covered public official" means the Governor, the  
284 Lieutenant Governor, or a member of the Cabinet.

285 (3) If a covered public official holds an economic interest  
286 in a qualified blind trust as described in this section, he or  
287 she does not have a conflict of interest prohibited under s.  
288 112.313(3) or (7) or a voting conflict of interest under s.  
289 112.3143 with regard to matters pertaining to that economic  
290 interest.

11-00094-12

2012304\_\_

291       (4) Except as otherwise provided in this section, the  
292 covered public official may not attempt to influence or exercise  
293 any control over decisions regarding the management of assets in  
294 a qualified blind trust. The covered public official and each  
295 person having a beneficial interest in the qualified blind trust  
296 may not make any effort to obtain information with respect to  
297 the holdings of the trust, including obtaining a copy of any  
298 trust tax return filed or any information relating thereto,  
299 except as otherwise provided in this section.

300       (5) Except for communications that consist solely of  
301 requests for distributions of cash or other unspecified assets  
302 of the trust, direct or indirect communication with respect to  
303 the trust may not occur between the covered public official or  
304 any person having a beneficial interest in the qualified blind  
305 trust and the trustee unless such communication is in writing  
306 and unless it relates only to:

307       (a) A request for a distribution from the trust which does  
308 not specify whether the distribution is to be made in cash or in  
309 kind;

310       (b) The general financial interests and needs of the  
311 covered public official or interested person, including an  
312 interest in maximizing income or long-term capital gain;

313       (c) The notification of the trustee of a law or regulation  
314 subsequently applicable to the covered public official which  
315 prohibits the covered official from holding an asset and which  
316 notification directs that such asset not be held by the trust;  
317 or

318       (d) Directions to the trustee to sell all of an asset  
319 initially placed in the trust by the covered public official

11-00094-12

2012304

320 which, in the determination of the covered public official,  
321 creates a conflict of interest or the appearance thereof due to  
322 the subsequent assumption of duties by the public official.

323 (6) The covered public official shall report the beneficial  
324 interest in the qualified blind trust and its value as an asset  
325 on his or her financial disclosure forms if value is required to  
326 be disclosed. The covered public official shall report the blind  
327 trust as a primary source of income on his or her financial  
328 disclosure forms and its amount if the amount of income is  
329 required to be disclosed. The covered public official is not  
330 required to report any source of income to the blind trust as a  
331 secondary source of income.

332 (7) In order to constitute a qualified blind trust under  
333 this section, the trust must be established by the covered  
334 public official and meet the following requirements:

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

336 1. The covered public official's spouse, child, parent,  
337 grandparent, grandchild, brother, sister, parent-in-law,  
338 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or  
339 the spouse of any such person;

340 2. A person who is an elected or appointed public officer  
341 or a public employee; or

342 3. A person who has been appointed by the covered public  
343 official or by a public officer or public employee supervised by  
344 the covered public official to serve in an agency.

345 (b) The trust agreement establishing the trust must:

346 1. Contain a clear statement of its purpose, namely, to  
347 remove from the grantor control and knowledge of investment of  
348 trust assets so that conflicts between the grantor's

11-00094-12

2012304

349 responsibilities as a public official and his or her private  
350 interests are eliminated;

351 2. Give the trustee complete discretion to manage the  
352 trust, including the power to dispose of and acquire trust  
353 assets without consulting or notifying the covered public  
354 official or any person having a beneficial interest in the  
355 trust;

356 3. Prohibit communication between the trustee and the  
357 covered public official and any person having a beneficial  
358 interest in the trust concerning the holdings or sources of  
359 income of the trust, except amounts of cash value or net income  
360 or loss if such report does not identify any asset or holding,  
361 and except as provided in this section;

362 4. Provide that the trust tax return is prepared by the  
363 trustee or designee and that any information relating thereto is  
364 not disclosed to the covered public official or to any other  
365 beneficiary, except as provided in this section;

366 5. Permit the trustee to notify the covered public official  
367 of the date of disposition and value at disposition of any  
368 original investment or interests in real property to the extent  
369 required by federal tax law so that the information can be  
370 reported on the covered public official's applicable tax  
371 returns;

372 6. Prohibit the trustee from disclosing to the covered  
373 public official and any person having a beneficial interest in  
374 the trust any information concerning replacement assets to the  
375 trust, except for the minimum tax information that lists only  
376 the totals of taxable items from the trust and does not describe  
377 the source of individual items of income;

11-00094-12

2012304

378 7. Prohibit the trustee from investing trust assets in  
379 business entities that he or she knows are regulated by or do a  
380 significant amount of business with the covered public  
381 official's public agency; and

382 8. Provide that the trust is not effective until it is  
383 approved by the commission.

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

386 (d) The trust must contain only readily marketable assets.

387 (e) The trust must be approved by the commission if it  
388 meets the requirements of this section.

389 (8) A copy of the trust agreement must be filed with the  
390 commission within 5 business days after the agreement is  
391 executed and include:

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

393 (b) A statement detailing the date the agreement was  
394 executed;

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

396 (d) A separate statement signed by the trustee, under  
397 penalty of perjury, certifying that he or she will not reveal  
398 any information to the covered public official or any person  
399 having a beneficial interest in the qualified blind trust,  
400 except for information that is authorized under this section,  
401 and that, to the best of the trustee's knowledge, the submitted  
402 blind trust agreement complies with this section.

403 (9) If the trust is revoked while the covered public  
404 official is a public officer, or if the covered public official  
405 learns of any replacement assets that have been added to the  
406 trust, the covered public official must file an amendment to his

11-00094-12

2012304\_\_

407 or her most recent financial disclosure statement. The amendment  
408 must be filed within 60 days after the date of revocation or the  
409 addition of the replacement assets. The covered public official  
410 must disclose the previously unreported pro rata share of the  
411 trust's interests in investments or income deriving from any  
412 such investments. For purposes of this section, any replaced  
413 asset of which the covered public official learns must  
414 subsequently be treated as though the asset were an original  
415 asset of the trust.

416 Section 5. Section 112.3143, Florida Statutes, is amended  
417 to read:

418 112.3143 Voting conflicts.—

419 (1) As used in this section:

420 (a) "Participate" means any attempt, by oral or written  
421 communication, by a public officer or at the officer's direction  
422 to influence the decision of an officer, employee, or member of  
423 the agency.

424 (b) "Principal" means an individual or entity, other than  
425 an agency as defined in s. 112.312, which, for compensation,  
426 salary, pay, consideration, or similar thing of value, has  
427 permitted or directed another to act for the individual or  
428 entity, and includes, but is not limited to, a client, employer,  
429 or master, or the parent, subsidiary, or sibling organization of  
430 a client, employer, or master.

431 (c)~~(a)~~ "Public officer" includes any person elected or  
432 appointed to hold office in any agency, including any person  
433 serving on an advisory body.

434 (d)~~(b)~~ "Relative" means any father, mother, son, daughter,  
435 husband, wife, brother, sister, father-in-law, mother-in-law,

11-00094-12

2012304\_\_

436 son-in-law, or daughter-in-law.

437 (2) A ~~No~~ state public officer holding an elected office may  
438 vote is prohibited from voting in an official capacity on any  
439 matter. However, when ~~any state public officer~~ voting in an  
440 official capacity upon any measure that ~~which~~ would inure to the  
441 officer's special private gain or loss; that ~~which~~ he or she  
442 knows would inure to the special private gain or loss of any  
443 principal by whom the officer is retained ~~or to the parent~~  
444 ~~organization or subsidiary of a corporate principal by which the~~  
445 ~~officer is retained~~; or that ~~which~~ the officer knows would inure  
446 to the special private gain or loss of a relative or business  
447 associate of the public officer, the officer shall, within 15  
448 days after the vote occurs, must disclose the nature of all of  
449 his or her interests in the matter and all of the interests of  
450 his or her principals, relatives, or business associates which  
451 are known to him or her interest as a public record in a  
452 memorandum filed with the person responsible for recording the  
453 minutes of the meeting, who shall incorporate the memorandum in  
454 the minutes.

455 (3) ~~(a)~~ A state public officer holding an appointive  
456 position or a ~~No~~ county, municipal, or other local public  
457 officer may not: ~~shall~~

458 (a) Vote in an official capacity upon any measure that  
459 ~~which~~ would inure to his or her special private gain or loss;  
460 that ~~which~~ he or she knows would inure to the special private  
461 gain or loss of any principal by whom he or she is retained ~~or~~  
462 ~~to the parent organization or subsidiary of a corporate~~  
463 ~~principal by which he or she is retained, other than an agency~~  
464 ~~as defined in s. 112.312(2)~~; or that ~~which~~ he or she knows would



11-00094-12

2012304\_\_

465 inure to the special private gain or loss of a relative or  
466 business associate of the public officer. Such public officer  
467 ~~shall, before~~ prior to the vote ~~is being~~ is taken, must publicly  
468 state to the assembly the nature of all of the officer's  
469 interests and all of the interests of his or her principals,  
470 relatives, or business associates which are known to him or her  
471 ~~interest~~ in the matter from which he or she is abstaining from  
472 voting and, within 15 days after the vote occurs, disclose the  
473 nature of all of his or her interests in the matter and all of  
474 the interests of his or her principals, relatives, or business  
475 associates which are known to him or her, ~~his or her interest~~ as  
476 a public record in a memorandum filed with the person  
477 responsible for recording the minutes of the meeting, who shall  
478 incorporate the memorandum in the minutes.

479 ~~(b) However, a commissioner of a community redevelopment~~  
480 ~~agency created or designated pursuant to s. 163.356 or s.~~  
481 ~~163.357, or an officer of an independent special tax district~~  
482 ~~elected on a one-acre, one-vote basis, is not prohibited from~~  
483 ~~voting, when voting in said capacity.~~

484 ~~(b)(4) No appointed public officer shall~~ Participate in any  
485 matter that ~~which~~ would inure to the officer's special private  
486 gain or loss; that ~~which~~ the officer knows would inure to the  
487 special private gain or loss of any principal by whom he or she  
488 is retained ~~or to the parent organization or subsidiary of a~~  
489 ~~corporate principal by which he or she is retained;~~ or that  
490 ~~which~~ he or she knows would inure to the special private gain or  
491 loss of a relative or business associate of the public officer,  
492 ~~without first disclosing the nature of his or her interest in~~  
493 ~~the matter.~~

11-00094-12

2012304\_\_

494       (4) Notwithstanding subsection (3), a commissioner of a  
495 community redevelopment agency created or designated pursuant to  
496 s. 163.356 or s. 163.357 or an officer of an independent special  
497 tax district elected on a one-acre, one-vote basis, is not  
498 prohibited from voting in that capacity, but must make the  
499 disclosures required under subsection (3). Such officer may not  
500 participate in such a measure without first disclosing the  
501 nature of his or her interest and those of his or her principal,  
502 relative, or business associate in the matter.

503       (a) Such disclosure, indicating the nature of the conflict,  
504 must shall be made in a written memorandum filed with the person  
505 responsible for recording the minutes of the meeting, before  
506 ~~prior to~~ the meeting in which consideration of the matter will  
507 take place, and ~~shall be~~ incorporated into the minutes. Any such  
508 memorandum becomes shall become a public record upon filing, and  
509 must shall immediately be provided to the other members of the  
510 agency, ~~and shall be~~ read publicly at the next meeting held  
511 subsequent to the filing of the this written memorandum.

512       (b) If the In the event that disclosure has not been made  
513 before prior to the meeting or if that any conflict is otherwise  
514 unknown before prior to the meeting, the disclosure must shall  
515 be made orally at the meeting when it becomes known that a  
516 conflict exists. A written memorandum disclosing the nature of  
517 the conflict must shall then be filed within 15 days after the  
518 oral disclosure with the person responsible for recording the  
519 minutes of the meeting and ~~shall be~~ incorporated into the  
520 minutes of the meeting at which the oral disclosure was made.  
521 Any such memorandum becomes shall become a public record upon  
522 filing, and must shall immediately be provided to the other

11-00094-12

2012304

523 members of the agency, and ~~shall be~~ read publicly at the next  
524 meeting held subsequent to the filing of the this written  
525 memorandum.

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

532 ~~(c) For purposes of this subsection, the term "participate"~~  
533 ~~means any attempt to influence the decision by oral or written~~  
534 ~~communication, whether made by the officer or at the officer's~~  
535 ~~direction.~~

536 (6) ~~(5)~~ ~~If Whenever~~ a public officer or former public  
537 officer is being considered for appointment or reappointment to  
538 public office, the appointing body must ~~shall~~ consider the  
539 number and nature of the memoranda of conflict previously filed  
540 under this section by such ~~said~~ officer.

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

543 112.3144 Full and public disclosure of financial  
544 interests.—

545 (2) A person who is required, pursuant to s. 8, Art. II of  
546 the State Constitution, to file a full and public disclosure of  
547 financial interests and who has filed such ~~a full and public~~  
548 ~~disclosure of financial interests~~ for any calendar or fiscal  
549 year is ~~shall~~ not be required to file a statement of financial  
550 interests pursuant to s. 112.3145(2) and (3) for the same year  
551 or for any part thereof notwithstanding any requirement of this

11-00094-12

2012304

552 ~~part., except that~~ A candidate for office who has filed a full  
 553 and public disclosure of financial interests when qualifying as  
 554 a candidate before July 1 must file a copy of that disclosure  
 555 with the commission as the annual disclosure required under this  
 556 section instead of filing a second original disclosure. A  
 557 candidate who does not qualify until after the annual full and  
 558 public disclosure has been filed under this section must ~~shall~~  
 559 file a copy of his or her disclosure with the officer before  
 560 whom he or she qualifies.

561 Section 7. Subsections (1), (2), and (3) of section  
 562 112.3145, Florida Statutes, are amended to read:

563 112.3145 Disclosure of financial interests and clients  
 564 represented before agencies.—

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

567 (a) "Local officer" means:

568 1. Any ~~Every~~ person who is elected to office in any  
 569 political subdivision of the state, or ~~and every person~~ who is  
 570 appointed to fill a vacancy for an unexpired term in such ~~an~~  
 571 elective office.

572 2. Any appointed member of any of the following boards,  
 573 councils, commissions, authorities, or other bodies of any  
 574 county, municipality, school district, independent special  
 575 district, or other political subdivision of the state:

576 a. The governing body of the political subdivision, if  
 577 appointed;

578 ~~b. An expressway authority or transportation authority~~  
 579 ~~established by general law;~~

580 ~~b.c.~~ A community college or junior college district board

11-00094-12

2012304\_\_

581 of trustees;

582 ~~c.d.~~ A board having the power to enforce local code  
583 provisions;

584 ~~d.e.~~ A planning or zoning board, board of adjustment, board  
585 of appeals, community redevelopment agency board, or other board  
586 having the power to recommend, create, or modify land planning  
587 or zoning within the political subdivision, except for citizen  
588 advisory committees, technical coordinating committees, and such  
589 other groups that ~~who only~~ have only the power to make  
590 recommendations to planning or zoning boards;

591 ~~e.f.~~ A pension board or retirement board having the power  
592 to invest pension or retirement funds or the power to make a  
593 binding determination of one's entitlement to or amount of a  
594 pension or other retirement benefit; or

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

599 3. Any person holding one or more of the following  
600 positions: mayor; county or city manager; chief administrative  
601 employee of a county, municipality, or other political  
602 subdivision; county or municipal attorney; finance director of a  
603 county, municipality, or other political subdivision; chief  
604 county or municipal building code inspector; county or municipal  
605 water resources coordinator; county or municipal pollution  
606 control director; county or municipal environmental control  
607 director; county or municipal administrator having the, ~~with~~  
608 power to grant or deny a land development permit; chief of  
609 police; fire chief; municipal clerk; district school

11-00094-12

2012304\_\_

610 superintendent; community college president; district medical  
611 examiner; or purchasing agent having the authority to make any  
612 purchase exceeding the threshold amount provided ~~for~~ in s.  
613 287.017 for CATEGORY ONE, on behalf of any political subdivision  
614 of the state or ~~any~~ entity thereof.

615 (b) "Specified state employee" means:

616 1. A public counsel created by chapter 350, an assistant  
617 state attorney, an assistant public defender, a criminal  
618 conflict and civil regional counsel, an assistant criminal  
619 conflict and civil regional counsel, a full-time state employee  
620 who serves as counsel or assistant counsel to any state agency,  
621 the Deputy Chief Judge of Compensation Claims, a judge of  
622 compensation claims, an administrative law judge, or a hearing  
623 officer.

624 2. Any person employed in the office of the Governor or in  
625 the office of any member of the Cabinet if that person is exempt  
626 from the Career Service System, except persons employed in  
627 clerical, secretarial, or similar positions.

628 3. The State Surgeon General or each appointed secretary,  
629 assistant secretary, deputy secretary, executive director,  
630 assistant executive director, or deputy executive director of  
631 each state department, commission, board, or council; unless  
632 otherwise provided, the division director, assistant division  
633 director, deputy director, bureau chief, and assistant bureau  
634 chief of any state department or division; or any person having  
635 the power normally conferred upon such persons, by whatever  
636 title.

637 4. The superintendent or institute director of a state  
638 mental health institute established for training and research in

11-00094-12

2012304\_\_

639 the mental health field or the warden or director of any major  
640 state institution or facility established for corrections,  
641 training, treatment, or rehabilitation.

642 5. Business managers, purchasing agents having the power to  
643 make any purchase exceeding the threshold amount provided ~~for~~ in  
644 s. 287.017 for CATEGORY ONE, finance and accounting directors,  
645 personnel officers, or grants coordinators for any state agency.

646 6. Any person, other than a legislative assistant exempted  
647 by the presiding officer of the house that employs ~~by which~~ the  
648 legislative assistant ~~is employed~~, who is employed in the  
649 legislative branch of government, except persons employed in  
650 maintenance, clerical, secretarial, or similar positions.

651 7. Each employee of the Commission on Ethics.

652 (c) "State officer" means:

653 1. Any elected public officer, excluding those elected to  
654 the United States Senate and House of Representatives, not  
655 covered elsewhere in this part and any person who is appointed  
656 to fill a vacancy for an unexpired term in such ~~an~~ elective  
657 office.

658 2. An appointed member of each board, commission,  
659 authority, or council having statewide jurisdiction, excluding a  
660 member of an advisory body.

661 3. A member of the Board of Governors of the State  
662 University System or a state university board of trustees, the  
663 Chancellor and Vice Chancellors of the State University System,  
664 and the president of a state university.

665 4. A member of the judicial nominating commission for any  
666 district court of appeal or ~~any~~ judicial circuit.

667 (2) (a) A person seeking nomination or election to a state

11-00094-12

2012304

668 or local elective office must ~~shall~~ file a statement of  
669 financial interests together with, and at the same time he or  
670 she files, qualifying papers. A candidate for office who has  
671 filed a statement of financial interests when qualifying as a  
672 candidate before July 1 must file a copy of that statement as  
673 the annual disclosure required under this section instead of  
674 filing a second original statement. A candidate who does not  
675 qualify until after the annual statement of financial interests  
676 has been filed under this section must file a copy of his or her  
677 disclosure with the officer before whom he or she qualifies.

678 (b) Each state or local officer and each specified state  
679 employee must ~~shall~~ file a statement of financial interests by  
680 ~~no later than~~ July 1 of each year. Each state officer, local  
681 officer, and specified state employee must ~~shall~~ file a final  
682 statement of financial interests within 60 days after leaving  
683 his or her public position for the period between January 1 of  
684 the year in which the person leaves and the last day of office  
685 or employment, unless within the 60-day period the person takes  
686 another public position requiring financial disclosure under  
687 this section or s. 8, Art. II of the State Constitution or is  
688 otherwise ~~is~~ required to file full and public disclosure or a  
689 statement of financial interests for the final disclosure  
690 period. Each state or local officer who is appointed and each  
691 specified state employee who is employed must ~~shall~~ file a  
692 statement of financial interests within 30 days after ~~from~~ the  
693 date of appointment or, in the case of a specified state  
694 employee, after ~~from~~ the date on which the employment begins,  
695 except that any person whose appointment is subject to  
696 confirmation by the Senate must ~~shall~~ file before the ~~prior to~~



11-00094-12

2012304\_\_

697 confirmation hearings or within 30 days after ~~from~~ the date of  
698 appointment, whichever occurs ~~comes~~ first.

699 (c) State officers and specified state employees must ~~shall~~  
700 file their statements of financial interests with the Commission  
701 on Ethics. Local officers must ~~shall~~ file their statements of  
702 financial interests with the supervisor of elections of the  
703 county in which they permanently reside. Local officers who do  
704 not permanently reside in any county in the state must ~~shall~~  
705 file their statements of financial interests with the supervisor  
706 of elections of the county in which their agency maintains its  
707 headquarters. Persons seeking to qualify as candidates for local  
708 public office must ~~shall~~ file their statements of financial  
709 interests with the officer before whom they qualify.

710 (3) The statement of financial interests for state  
711 officers, specified state employees, local officers, and persons  
712 seeking to qualify as candidates for state or local office must  
713 ~~shall~~ be filed even if the reporting person holds no financial  
714 interests requiring disclosure, in which case the statement must  
715 ~~shall~~ be marked "not applicable." Otherwise, the statement of  
716 financial interests must ~~shall~~ include, at the filer's option,  
717 ~~either:~~

718 (a)1. All sources of income in excess of 5 percent of the  
719 gross income received during the disclosure period by the person  
720 in his or her own name or by any other person for his or her use  
721 or benefit, excluding public salary. However, this does ~~shall~~  
722 ~~not be construed to~~ require disclosure of a business partner's  
723 sources of income. The person reporting must ~~shall~~ list such  
724 sources in descending order of value with the largest source  
725 first;

11-00094-12

2012304\_\_

726           2. All sources of income to a business entity in excess of  
727 10 percent of the gross income of a business entity in which the  
728 reporting person held a material interest and from which he or  
729 she received an amount that ~~which~~ was in excess of 10 percent of  
730 his or her gross income during the disclosure period and that  
731 ~~which~~ exceeds \$1,500. The period for computing the gross income  
732 of the business entity is the fiscal year of the business entity  
733 which ended on, or immediately before ~~prior to~~, the end of the  
734 disclosure period of the person reporting;

735           3. The location or description of real property in this  
736 state, except for residences and vacation homes, owned directly  
737 or indirectly by the person reporting, if ~~when~~ such person owns  
738 in excess of 5 percent of the value of such real property, and a  
739 general description of any intangible personal property worth in  
740 excess of 10 percent of such person's total assets. For the  
741 purposes of this paragraph, indirect ownership does not include  
742 ownership by a spouse or minor child; and

743           4. Any ~~Every~~ individual liability that equals more than the  
744 reporting person's net worth; or

745           (b)1. All sources of gross income in excess of \$2,500  
746 received during the disclosure period by the person in his or  
747 her own name or by any other person for his or her use or  
748 benefit, excluding public salary. However, this does ~~shall~~ not  
749 ~~be construed to~~ require disclosure of a business partner's  
750 sources of income. The person reporting must ~~shall~~ list such  
751 sources in descending order of value with the largest source  
752 first;

753           2. All sources of income to a business entity in excess of  
754 10 percent of the gross income of a business entity in which the

11-00094-12

2012304\_\_

755 reporting person held a material interest and from which he or  
756 she received gross income exceeding \$5,000 during the disclosure  
757 period. The period for computing the gross income of the  
758 business entity is the fiscal year of the business entity which  
759 ended on, or immediately before ~~prior to~~, the end of the  
760 disclosure period of the person reporting;

761 3. The location or description of real property in this  
762 state, except for residence and vacation homes, owned directly  
763 or indirectly by the person reporting, if ~~when~~ such person owns  
764 in excess of 5 percent of the value of such real property, and a  
765 general description of any intangible personal property worth in  
766 excess of \$10,000. For the purpose of this paragraph, indirect  
767 ownership does not include ownership by a spouse or minor child;  
768 and

769 4. Any ~~Every~~ liability in excess of \$10,000.

770

771 A person filing a statement of financial interests must indicate  
772 on the statement whether he or she is using the method specified  
773 in paragraph (a) or in paragraph (b).

774 Section 8. Subsections (2), (3), (4), and (5) of section  
775 112.3148, Florida Statutes, are amended to read:

776 112.3148 Reporting and prohibited receipt of gifts by  
777 individuals filing full or limited public disclosure of  
778 financial interests and by procurement employees.—

779 (2) As used in this section:

780 (a) "Immediate family" means any parent, spouse, child, or  
781 sibling.

782 (b) ~~1.~~ "Lobbyist" means a ~~any~~ natural person who, for  
783 compensation, seeks, or sought during the preceding 12 months,

11-00094-12

2012304\_\_

784 to influence the governmental decisionmaking of a reporting  
785 individual or procurement employee or his or her agency or  
786 seeks, or sought during the preceding 12 months, to encourage  
787 the passage, defeat, or modification of a ~~any~~ proposal or  
788 recommendation by the reporting individual or procurement  
789 employee or his or her agency.

790 ~~2.~~ With respect to an agency that has established by rule,  
791 ordinance, or law a registration process for persons seeking to  
792 influence decisionmaking or to encourage the passage, defeat, or  
793 modification of a ~~any~~ proposal or recommendation by the ~~such~~  
794 agency or an employee or official of the agency, the term  
795 ~~"lobbyist"~~ includes only a person who is required to be  
796 registered as a lobbyist in accordance with such rule,  
797 ordinance, or law or who was during the preceding 12 months  
798 required to be registered as a lobbyist in accordance with such  
799 rule, ordinance, or law. At a minimum, such ~~a~~ registration  
800 system must require the registration of, or must designate,  
801 persons as "lobbyists" who engage in the same activities as  
802 require registration to lobby the Legislature pursuant to s.  
803 11.045.

804 (c) "Person" includes individuals, firms, associations,  
805 joint ventures, partnerships, estates, trusts, business trusts,  
806 syndicates, fiduciaries, corporations, and all other groups or  
807 combinations.

808 (d) "Reporting individual" means an ~~any~~ individual,  
809 including a candidate upon qualifying, who is required by law,  
810 pursuant to s. 8, Art. II of the State Constitution or s.  
811 112.3145, to file full or limited public disclosure of his or  
812 her financial interests or ~~any individual~~ who has been elected

11-00094-12

2012304

813 to, but has yet to officially assume the responsibilities of,  
814 public office. For purposes of implementing this section, the  
815 "agency" of a reporting individual who is not an officer or  
816 employee in public service is the agency to which the candidate  
817 seeks election, or in the case of an individual elected to but  
818 yet to formally take office, the agency in which the individual  
819 has been elected to serve.

820 (e) "Procurement employee" means an ~~any~~ employee of an  
821 officer, department, board, commission, ~~or~~ council, or agency of  
822 the executive branch or judicial branch of state government who  
823 during the preceding 12 months participated ~~participates~~ through  
824 decision, approval, disapproval, recommendation, preparation of  
825 any part of a purchase request, influencing the content of any  
826 specification or procurement standard, rendering of advice,  
827 investigation, or auditing or in any other advisory capacity in  
828 the procurement of contractual services or commodities as  
829 defined in s. 287.012, if the cost of such services or  
830 commodities is expected to exceed or exceeds \$10,000 ~~\$1,000~~ in  
831 any fiscal year.

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

835 (3) A reporting individual or procurement employee may not  
836 solicit ~~is prohibited from soliciting~~ any gift from a political  
837 committee or committee of continuous existence, ~~as defined in s.~~  
838 106.011, from a vendor doing business with the reporting  
839 individual's or procurement employee's agency, or from a  
840 lobbyist who lobbies the reporting individual's or procurement  
841 employee's agency, or the partner, firm, employer, or principal

11-00094-12

2012304\_\_

842 of such lobbyist, if ~~where~~ such gift is for the personal benefit  
843 of the reporting individual or procurement employee, another  
844 reporting individual or procurement employee, or any member of  
845 the immediate family of a reporting individual or procurement  
846 employee.

847 (4) A reporting individual or procurement employee or any  
848 other person on his or her behalf may not knowingly accept ~~is~~  
849 ~~prohibited from knowingly accepting~~, directly or indirectly, a  
850 gift from a political committee or committee of continuous  
851 existence, ~~as defined in s. 106.011,~~ from a vendor doing  
852 business with the reporting individual's or procurement  
853 employee's agency, or from a lobbyist who lobbies the reporting  
854 individual's or procurement employee's agency, or directly or  
855 indirectly on behalf of the partner, firm, employer, or  
856 principal of a lobbyist, if he or she knows or reasonably  
857 believes that the gift or gifts have an aggregate ~~gift has a~~  
858 value in excess of \$100 within a calendar year; however, such a  
859 gift may be accepted by such person on behalf of a governmental  
860 entity or a charitable organization. If the gift is accepted on  
861 behalf of a governmental entity or charitable organization, the  
862 person receiving the gift may ~~shall~~ not maintain custody of the  
863 gift for any period of time beyond that reasonably necessary to  
864 arrange for the transfer of custody and ownership of the gift.

865 (5) (a) A political committee or a committee of continuous  
866 existence, ~~as defined in s. 106.011;~~ a vendor doing business  
867 with the reporting individual's or procurement employee's  
868 agency; a lobbyist who lobbies a reporting individual's or  
869 procurement employee's agency; the partner, firm, employer, or  
870 principal of a lobbyist; or another on behalf of the lobbyist or

11-00094-12

2012304\_\_

871 partner, firm, principal, or employer of the lobbyist may not  
872 give ~~is prohibited from giving~~, either directly or indirectly, a  
873 gift or gifts that have an aggregate ~~has a~~ value in excess of  
874 \$100 within a calendar year to the reporting individual or  
875 procurement employee or any other person on his or her behalf.~~;~~  
876 However, such person may give a gift or gifts having a total  
877 value in excess of \$100 to a reporting individual or procurement  
878 employee if the gifts are ~~gift is~~ intended to be transferred to  
879 a governmental entity or a charitable organization.

880 (b) ~~However,~~ A person who is regulated by this subsection,  
881 who is not regulated by subsection (6), and who makes, or  
882 directs another to make, an individual gift having a value in  
883 excess of \$25, but not in excess of \$100, other than a gift that  
884 ~~which~~ the donor knows will be accepted on behalf of a  
885 governmental entity or charitable organization, must file a  
886 report on the last day of each calendar quarter~~,~~ for the  
887 previous calendar quarter in which a reportable gift is made.  
888 The report must ~~shall~~ be filed with the commission ~~on Ethics~~,  
889 except with respect to gifts to reporting individuals of the  
890 legislative branch, in which case the report must ~~shall~~ be filed  
891 with the Division of Legislative Information Services in the  
892 Office of Legislative Services. The report must contain a  
893 description of each gift, the monetary value thereof, the name  
894 and address of the person making such gift, the name and address  
895 of the recipient of the gift, and the date such gift is given.  
896 In addition, if ~~when~~ a gift is made which requires the filing of  
897 a report under this subsection, the donor must notify the  
898 intended recipient at the time the gift is made that the donor,  
899 or another on his or her behalf, must ~~will~~ report the gift under

11-00094-12

2012304\_\_

900 this subsection. Under this paragraph, a gift need not be  
 901 reported by more than one person or entity.

902 (c) In addition, each reporting individual or procurement  
 903 employee must file a statement with the commission, except with  
 904 respect to a gift to a reporting individual of the legislative  
 905 branch, in which case the report must be filed with the Division  
 906 of Legislative Information Services in the Office of Legislative  
 907 Services, by the last day of each calendar quarter for the  
 908 previous calendar quarter, containing a list of gifts that he or  
 909 she believes have a value in excess of \$25, if any, accepted by  
 910 him or her, from a person who is regulated by this subsection,  
 911 except the following:

- 912 1. Gifts from relatives.  
 913 2. Gifts prohibited by subsection (4) or s. 112.313(4).  
 914 3. Gifts otherwise required to be disclosed by this  
 915 section.

916  
 917 The report must contain a description of each gift, the monetary  
 918 value thereof, the name and address of the person making the  
 919 gift, the name and address of the recipient of the gift, and the  
 920 date the gift was given.

921 Section 9. Paragraph (e) of subsection (1) and subsections  
 922 (3) and (4) of section 112.3149, Florida Statutes, are amended,  
 923 and paragraph (f) is added to subsection (1) of that section, to  
 924 read:

925 112.3149 Solicitation and disclosure of honoraria.—

926 (1) As used in this section:

927 (e) "Procurement employee" means an ~~any~~ employee of an  
 928 officer, department, board, commission, ~~or~~ council, or agency of



11-00094-12

2012304\_\_

929 the executive branch or judicial branch of state government who  
930 during the preceding 12 months participated ~~participates~~ through  
931 decision, approval, disapproval, recommendation, preparation of  
932 any part of a purchase request, influencing the content of any  
933 specification or procurement standard, rendering of advice,  
934 investigation, or auditing or in any other advisory capacity in  
935 the procurement of contractual services or commodities as  
936 defined in s. 287.012, if the cost of such services or  
937 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

941 (3) A reporting individual or procurement employee may not  
942 knowingly accept ~~is prohibited from knowingly accepting~~ an  
943 honorarium from a political committee or committee of continuous  
944 existence, ~~as defined in s. 106.011,~~ from a vendor doing  
945 business with the reporting individual's or procurement  
946 employee's agency, from a lobbyist who lobbies the reporting  
947 individual's or procurement employee's agency, or from the  
948 employer, principal, partner, or firm of such a lobbyist.

949 (4) A political committee or committee of continuous  
950 existence, ~~as defined in s. 106.011,~~ a vendor doing business  
951 with the reporting individual's or the procurement employee's  
952 agency, a lobbyist who lobbies a reporting individual's or  
953 procurement employee's agency, or the employer, principal,  
954 partner, or firm of such a lobbyist may not give ~~is prohibited~~  
955 ~~from giving~~ an honorarium to a reporting individual or  
956 procurement employee.

957 Section 10. Section 112.317, Florida Statutes, is amended

11-00094-12

2012304\_\_

958 to read:

959 112.317 Penalties.—

960 (1) Violation of any provision of this part, including, but  
961 not limited to, the ~~any~~ failure to file any disclosures required  
962 by this part, ~~or~~ violation of any standard of conduct imposed by  
963 this part, or violation of any provision of s. 8, Art. II of the  
964 State Constitution, in addition to any criminal penalty or other  
965 civil penalty involved, shall, under applicable constitutional  
966 and statutory procedures, constitute grounds for, and may be  
967 punished by, one or more of the following:

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

969 1. Impeachment.

970 2. Removal from office.

971 3. Suspension from office.

972 4. Public censure and reprimand.

973 5. Forfeiture of up to ~~no more than~~ one-third salary per  
974 month for up to ~~no more than~~ 12 months.

975 6. A civil penalty of up to \$100,000 ~~not to exceed \$10,000~~.

976 7. Restitution of any pecuniary benefits received because  
977 of the violation committed. The commission may recommend that  
978 the restitution penalty be paid to the agency of which the  
979 public officer was a member or to the General Revenue Fund.

980 (b) In the case of an employee or a person designated as a  
981 public officer by this part who otherwise would be deemed to be  
982 an employee:

983 1. Dismissal from employment.

984 2. Suspension from employment for up to ~~not more than~~ 90  
985 days without pay.

986 3. Demotion.

11-00094-12

2012304\_\_

- 987           4. Reduction in salary level.
- 988           5. Forfeiture of up to ~~no more than~~ one-third salary per  
 989 month for up to ~~no more than~~ 12 months.
- 990           6. A civil penalty of up to \$100,000 ~~not to exceed \$10,000~~.
- 991           7. Restitution of any pecuniary benefits received because  
 992 of the violation committed. The commission may recommend that  
 993 the restitution penalty be paid to the agency of ~~by which~~ the  
 994 public employee ~~was employed,~~ or of ~~which~~ the officer who  
 995 employed the ~~was deemed to be an~~ employee, or to the General  
 996 Revenue Fund.
- 997           8. Public censure and reprimand.
- 998           (c) In the case of a candidate who violates the provisions  
 999 of this part or s. 8(a) and (i), Art. II of the State  
 1000 Constitution:
- 1001           1. Disqualification from being on the ballot.
- 1002           2. Public censure.
- 1003           3. Reprimand.
- 1004           4. A civil penalty of up to \$100,000 ~~not to exceed \$10,000~~.
- 1005           (d) In the case of a former public officer or employee who  
 1006 has violated a provision applicable to former officers or  
 1007 employees or whose violation occurred before the officer's or  
 1008 employee's leaving public office or employment:
- 1009           1. Public censure and reprimand.
- 1010           2. A civil penalty of up to \$100,000 ~~not to exceed \$10,000~~.
- 1011           3. Restitution of any pecuniary benefits received because  
 1012 of the violation committed. The commission may recommend that  
 1013 the restitution penalty be paid to the agency of the public  
 1014 officer or employee or to the General Revenue Fund.
- 1015           (e) In the case of a person who is subject to the standards

11-00094-12

2012304\_\_

1016 of this part, other than a lobbyist or lobbying firm under s.  
 1017 112.3215 for a violation of s. 112.3215, but who is not a public  
 1018 officer or employee:

1019 1. Public censure and reprimand.

1020 2. A civil penalty not to exceed \$100,000 ~~\$10,000~~.

1021 3. Restitution of any pecuniary benefits received because  
 1022 of the violation committed. The commission may recommend that  
 1023 the restitution penalty be paid to the agency of the person or  
 1024 to the General Revenue Fund.

1025 (2) A person who knowingly fails to file a disclosure  
 1026 required by this part within 90 days after the specified date  
 1027 commits a misdemeanor of the first degree, punishable as  
 1028 provided in s. 775.082 or s. 775.083.

1029 (3)~~(2)~~ In any case in which the commission finds a  
 1030 violation of this part or of s. 8, Art. II of the State  
 1031 Constitution and the proper disciplinary official or body under  
 1032 s. 112.324 imposes a civil penalty or restitution penalty, the  
 1033 Attorney General shall bring a civil action to recover such  
 1034 penalty. A ~~No~~ defense may not be raised in the civil action to  
 1035 enforce the civil penalty or order of restitution which ~~that~~  
 1036 could have been raised by judicial review of the administrative  
 1037 findings and recommendations of the commission by certiorari to  
 1038 the district court of appeal. The Attorney General shall collect  
 1039 any costs, attorney's fees, expert witness fees, or other costs  
 1040 of collection incurred in bringing the action.

1041 (4)~~(3)~~ The penalties prescribed in this part do ~~shall~~ not  
 1042 ~~be construed to~~ limit or ~~to~~ conflict with:

1043 (a) The power of either house of the Legislature to  
 1044 discipline its own members or impeach a public officer.

11-00094-12

2012304\_\_

1045 (b) The power of agencies to discipline officers or  
1046 employees.

1047 (5)~~(4)~~ Any violation of this part or of s. 8, Art. II of  
1048 the State Constitution by a public officer constitutes ~~shall~~  
1049 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in  
1050 office within the meaning of s. 7, Art. IV of the State  
1051 Constitution.

1052 (6)~~(5)~~ By order of the Governor, upon recommendation of the  
1053 commission, any elected municipal officer who violates any  
1054 provision of this part or of s. 8, Art. II of the State  
1055 Constitution may be suspended from office and the office filled  
1056 by appointment for the period of suspension. The suspended  
1057 officer may at any time before removal be reinstated by the  
1058 Governor. The Senate may, in proceedings prescribed by law,  
1059 remove from office, or reinstate, the suspended officer  
1060 ~~official~~, and for such purpose the Senate may be convened in  
1061 special session by its President or by a majority of its  
1062 membership.

1063 (7)~~(6)~~ In any case in which the commission finds probable  
1064 cause to believe that a complainant has committed perjury in  
1065 regard to any document filed with, or any testimony given  
1066 before, the commission, it shall refer such evidence to the  
1067 appropriate law enforcement agency for prosecution and taxation  
1068 of costs.

1069 (8)~~(7)~~ ~~If In any case in which~~ the commission determines  
1070 that a person has filed a complaint against a public officer or  
1071 employee with actual malice ~~a malicious intent to injure the~~  
1072 ~~reputation of such officer or employee by filing the complaint~~  
1073 ~~with knowledge that the complaint contains one or more false~~

11-00094-12

2012304\_\_

1074 ~~allegations or with reckless disregard for whether the complaint~~  
 1075 ~~contains false allegations of fact material to a violation of~~  
 1076 ~~this part,~~ the complainant is ~~shall be~~ liable for costs plus  
 1077 reasonable attorney's fees incurred in the defense of the person  
 1078 complained against, including the costs and reasonable  
 1079 attorney's fees incurred in proving entitlement to and the  
 1080 amount of costs and fees. If the complainant fails to pay such  
 1081 costs and fees voluntarily within 30 days following such finding  
 1082 by the commission, the commission shall forward such information  
 1083 to the Department of Legal Affairs, which shall bring a civil  
 1084 action ~~in a court of competent jurisdiction~~ to recover the  
 1085 amount of such costs and fees ~~awarded by the commission.~~

1086 Section 11. Subsection (8) of section 112.3215, Florida  
 1087 Statutes, is amended, present subsection (14) of that section is  
 1088 redesignated as subsection (15), and a new subsection (14) is  
 1089 added to that section, to read:

1090 112.3215 Lobbying before the executive branch or the  
 1091 Constitution Revision Commission; registration and reporting;  
 1092 investigation by commission.—

1093 (8) (a) The commission shall investigate every sworn  
 1094 complaint that is filed with it alleging that a person covered  
 1095 by this section has failed to register, has failed to submit a  
 1096 compensation report, has made a prohibited expenditure, or has  
 1097 knowingly submitted false information in any report or  
 1098 registration required under ~~in~~ this section.

1099 (b) All proceedings, the complaint, and other records  
 1100 relating to the investigation are confidential and exempt from  
 1101 ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 1102 Constitution, and any meetings held pursuant to an investigation

11-00094-12

2012304

1103 are exempt from ~~the provisions of~~ s. 286.011(1) and s. 24(b),  
1104 Art. I of the State Constitution ~~either~~ until the alleged  
1105 violator requests in writing that such investigation and  
1106 associated records and meetings be made public or until the  
1107 commission determines, based on the investigation, whether  
1108 probable cause exists to believe that a violation has occurred.

1109 (c) The commission shall investigate any lobbying firm,  
1110 lobbyist, principal, agency, officer, or employee upon receipt  
1111 of information from a sworn complaint or from a random audit of  
1112 lobbying reports indicating a possible violation other than a  
1113 late-filed report.

1114 (d)1. Records relating to an audit conducted pursuant to  
1115 this section or an investigation conducted pursuant to this  
1116 section or s. 112.32155 are confidential and exempt from s.  
1117 119.07(1) and s. 24(a), Art. I of the State Constitution.

1118 2. Any portion of a meeting wherein such investigation or  
1119 audit is discussed is exempt from s. 286.011 and s. 24(b), Art.  
1120 I of the State Constitution.

1121 3. The exemptions no longer apply if the lobbying firm  
1122 requests in writing that such investigation and associated  
1123 records and meetings be made public or the commission determines  
1124 there is probable cause that the audit reflects a violation of  
1125 the reporting laws.

1126 (14) Any person who is required to be registered or to  
1127 provide information under this section or under rules adopted  
1128 pursuant to this section and who knowingly fails to disclose any  
1129 material fact that is required by this section or related rules,  
1130 or who knowingly provides false information on any report  
1131 required by this section or related rules, commits a noncriminal

11-00094-12

2012304\_\_

1132 infraction, punishable by a fine not to exceed \$5,000. This fine  
1133 is in addition to any other penalty assessed by the Governor and  
1134 Cabinet pursuant to subsection (10).

1135 Section 12. Section 112.324, Florida Statutes, is amended  
1136 to read:

1137 112.324 Procedures on complaints of violations; public  
1138 records and meeting exemptions.—

1139 ~~(1) Upon a written complaint executed on a form prescribed~~  
1140 ~~by the commission and signed under oath or affirmation by any~~  
1141 ~~person,~~ The commission shall investigate any alleged violation  
1142 of this part or any other alleged breach of the public trust  
1143 within the jurisdiction of the commission as provided in s.  
1144 8(f), Art. II of the State Constitution ~~in accordance with~~  
1145 ~~procedures set forth herein.~~

1146 (a) Such investigation shall commence upon the receipt of:

1147 1. A written complaint executed on a form prescribed by the  
1148 commission and signed under oath or affirmation by the  
1149 complainant;

1150 2. Reliable and publicly disseminated information that  
1151 seven members of the commission deem sufficient to indicate a  
1152 breach of the public trust. Commission staff may not undertake a  
1153 formal investigation, other than the collection of publicly  
1154 disseminated information, before the commission makes a  
1155 determination of sufficiency; or

1156 3. A written referral of a possible violation of this part  
1157 or other possible breach of the public trust from the Governor,  
1158 the Chief Financial Officer, a state attorney, the executive  
1159 director of the Department of Law Enforcement, or the statewide  
1160 prosecutor, which seven members of the commission deem



11-00094-12

2012304

1161 sufficient to indicate a breach of the public trust.

1162 (b) Within 5 days after the commission receives receipt of  
1163 a complaint, or after the commission determines that there is a  
1164 legally sufficient indication of a breach of the public trust  
1165 pursuant to publicly disseminated information or a written  
1166 referral by the commission, a copy of the complaint or  
1167 determination of sufficiency shall be transmitted to the alleged  
1168 violator.

1169 (c) A complaint under this part against a candidate in any  
1170 general, special, or primary election may not be filed and any  
1171 intention of filing such a complaint may not be disclosed on the  
1172 day of such election or within the 5 days immediately preceding  
1173 the date of the election.

1174 (2) (a) The complaint and records relating to the complaint  
1175 or to any preliminary investigation held by the commission or  
1176 its agents, by a Commission on Ethics and Public Trust  
1177 established by any county defined in s. 125.011(1) or by any  
1178 municipality defined in s. 165.031, or by any county or  
1179 municipality that has established a local investigatory process  
1180 to enforce more stringent standards of conduct and disclosure  
1181 requirements as provided in s. 112.326 are confidential and  
1182 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
1183 of the State Constitution.

1184 (b) Any proceeding conducted by the commission, a  
1185 Commission on Ethics and Public Trust, or a county or  
1186 municipality that has established such local investigatory  
1187 process, pursuant to a complaint or preliminary investigation,  
1188 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
1189 the State Constitution, and s. 120.525.

11-00094-12

2012304\_\_

1190 (c) The exemptions in paragraphs (a) and (b) apply until  
1191 the complaint is dismissed as legally insufficient, until the  
1192 alleged violator requests in writing that such records and  
1193 proceedings be made public, or until the commission, a  
1194 Commission on Ethics and Public Trust, or a county or  
1195 municipality that has established such local investigatory  
1196 process determines, based on such investigation, whether  
1197 probable cause exists to believe that a violation has occurred.  
1198 ~~In no event shall a complaint under this part against a~~  
1199 ~~candidate in any general, special, or primary election be filed~~  
1200 ~~or any intention of filing such a complaint be disclosed on the~~  
1201 ~~day of any such election or within the 5 days immediately~~  
1202 ~~preceding the date of the election.~~

1203 (d) This subsection is subject to the Open Government  
1204 Sunset Review Act in accordance with s. 119.15 and shall stand  
1205 repealed on October 2, 2015, unless reviewed and saved from  
1206 repeal through reenactment by the Legislature.

1207 (3) A preliminary investigation shall be undertaken by the  
1208 commission of each legally sufficient complaint or other  
1209 indication of a breach of the public trust over which the  
1210 commission has jurisdiction to determine whether there is  
1211 probable cause to believe that a violation has occurred.

1212 (a) If, upon completion of the preliminary investigation,  
1213 the commission finds no probable cause to believe that this part  
1214 has been violated or that any other breach of the public trust  
1215 has been committed, the commission shall dismiss the complaint  
1216 or other determination with the issuance of a public report to  
1217 the complainant or referring official and the alleged violator,  
1218 stating with particularity its reasons for dismissal ~~of the~~

11-00094-12

2012304

1219 ~~complaint~~. At that time, the complaint or other alleged breach  
1220 of the public trust, and all related materials ~~relating to the~~  
1221 ~~complaint~~ shall become a matter of public record.

1222 (b) If the commission finds from the preliminary  
1223 investigation probable cause to believe that this part has been  
1224 violated or that any other breach of the public trust has been  
1225 committed, it shall so notify the complainant or referring  
1226 official and the alleged violator in writing. The Such  
1227 notification and all documents made or received in the  
1228 determination of probable cause ~~disposition of the complaint~~  
1229 shall ~~then~~ become public records. Upon request submitted to the  
1230 commission in writing, any person who the commission finds  
1231 probable cause to believe has violated any provision of this  
1232 part or has committed any other breach of the public trust is  
1233 ~~shall be~~ entitled to a public hearing. Such person shall be  
1234 deemed to have waived the right to a public hearing if the  
1235 request is not received within 14 days following the mailing of  
1236 the probable cause notification required by this subsection.  
1237 However, the commission may on its own motion, require a public  
1238 hearing, may conduct such further investigation as it deems  
1239 necessary, and may enter into such stipulations and settlements  
1240 as it finds to be just and in the best interest of the state.  
1241 The commission is without jurisdiction to, and a ~~no~~ respondent  
1242 may not voluntarily or involuntarily, enter into a stipulation  
1243 or settlement that ~~which~~ imposes any penalty, including, but not  
1244 limited to, a sanction or admonition or any other penalty  
1245 contained in s. 112.317. Penalties shall be imposed only by the  
1246 appropriate disciplinary authority as designated in this  
1247 section.

11-00094-12

2012304\_\_

1248 (4) If, in cases pertaining to members of the Legislature,  
1249 upon completion of a full and final investigation by the  
1250 commission, the commission finds that there has been a violation  
1251 of this part or of any provision of s. 8, Art. II of the State  
1252 Constitution, the commission shall forward a copy of the  
1253 complaint or referral and its findings by certified mail to the  
1254 President of the Senate or the Speaker of the House of  
1255 Representatives, whichever is applicable, who shall refer the  
1256 matter ~~complaint~~ to the appropriate committee for investigation  
1257 and action, which shall be governed by the rules of its  
1258 respective house. ~~It shall be the duty of~~ The committee shall ~~to~~  
1259 report its final action upon the matter ~~complaint~~ to the  
1260 commission within 90 days after ~~of~~ the date of transmittal to  
1261 the respective house. Upon request of the committee, the  
1262 commission shall submit a recommendation as to what penalty, if  
1263 any, should be imposed. In the case of a member of the  
1264 Legislature, the house in which the member serves is empowered  
1265 ~~shall have the power~~ to invoke the penalty provisions of this  
1266 part.

1267 (5) If, in cases ~~pertaining to complaints~~ against  
1268 impeachable officers, upon completion of a full and final  
1269 investigation by the commission, the commission finds that there  
1270 has been a violation of this part or of any provision of s. 8,  
1271 Art. II of the State Constitution, and the commission finds that  
1272 the violation may constitute grounds for impeachment, the  
1273 commission shall forward a copy of the complaint or referral and  
1274 its findings by certified mail to the Speaker of the House of  
1275 Representatives, who shall refer the matter ~~complaint~~ to the  
1276 appropriate committee for investigation and action, which shall

11-00094-12

2012304

1277 be governed by the rules of the House of Representatives. It is  
 1278 ~~shall be~~ the duty of the committee to report its final action  
 1279 upon the matter ~~complaint~~ to the commission within 90 days after  
 1280 ~~of~~ the date of transmittal.

1281 (6) If the commission finds that there has been a violation  
 1282 of this part or of any provision of s. 8, Art. II of the State  
 1283 Constitution by an impeachable officer other than the Governor,  
 1284 and the commission recommends public censure and reprimand,  
 1285 forfeiture of a portion of the officer's salary, a civil  
 1286 penalty, or restitution, the commission shall report its  
 1287 findings and recommendation of disciplinary action to the  
 1288 Governor, who is empowered ~~shall have the power~~ to invoke the  
 1289 penalty provisions of this part.

1290 (7) If the commission finds that there has been a violation  
 1291 of this part or of any provision of s. 8, Art. II of the State  
 1292 Constitution by the Governor, and the commission recommends  
 1293 public censure and reprimand, forfeiture of a portion of the  
 1294 Governor's salary, a civil penalty, or restitution, the  
 1295 commission shall report its findings and recommendation of  
 1296 disciplinary action to the Attorney General, who is empowered  
 1297 ~~shall have the power~~ to invoke the penalty provisions of this  
 1298 part.

1299 (8) If, in cases ~~pertaining to complaints~~ other than  
 1300 ~~complaints~~ against impeachable officers or members of the  
 1301 Legislature, upon completion of a full and final investigation  
 1302 by the commission, the commission finds that there has been a  
 1303 violation of this part or of s. 8, Art. II of the State  
 1304 Constitution, ~~it shall be the duty of~~ the commission shall ~~to~~  
 1305 report its findings and recommend appropriate action to the

11-00094-12

2012304\_\_

1306 proper disciplinary official or body as follows, and such  
1307 official or body may ~~shall have the power to~~ invoke the penalty  
1308 provisions of this part, including the power to order the  
1309 appropriate elections official to remove a candidate from the  
1310 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.  
1311 II of the State Constitution:

1312 (a) The President of the Senate and the Speaker of the  
1313 House of Representatives, jointly, in any case concerning the  
1314 Public Counsel, members of the Public Service Commission,  
1315 members of the Public Service Commission Nominating Council, the  
1316 Auditor General, or the director of the Office of Program Policy  
1317 Analysis and Government Accountability.

1318 (b) The Supreme Court, in any case concerning an employee  
1319 of the judicial branch.

1320 (c) The President of the Senate, in any case concerning an  
1321 employee of the Senate; the Speaker of the House of  
1322 Representatives, in any case concerning an employee of the House  
1323 of Representatives; or the President and the Speaker, jointly,  
1324 in any case concerning an employee of a committee of the  
1325 Legislature whose members are appointed solely by the President  
1326 and the Speaker or in any case concerning an employee of the  
1327 Public Counsel, Public Service Commission, Auditor General, or  
1328 Office of Program Policy Analysis and Government Accountability.

1329 (d) Except as otherwise provided by this part, the  
1330 Governor, in the case of any other public officer, public  
1331 employee, former public officer or public employee, candidate or  
1332 former candidate, or person who is not a public officer or  
1333 employee, other than lobbyists and lobbying firms under s.  
1334 112.3215 for violations of s. 112.3215.

11-00094-12

2012304\_\_

1335 (e) The President of the Senate or the Speaker of the House  
1336 of Representatives, as ~~whichever is~~ applicable, in any case  
1337 concerning a former member of the Legislature who has violated a  
1338 provision applicable to former members or whose violation  
1339 occurred while a member of the Legislature.

1340 (9) In addition to reporting its findings to the proper  
1341 disciplinary body or official, the commission shall report these  
1342 findings to the state attorney or any other appropriate official  
1343 or agency having authority to initiate prosecution if a ~~when~~  
1344 violation of criminal law is indicated.

1345 (10) Notwithstanding the foregoing procedures of this  
1346 section, a sworn complaint against any member or employee of the  
1347 Commission on Ethics for violation of this part or of s. 8, Art.  
1348 II of the State Constitution shall be filed with the President  
1349 of the Senate and the Speaker of the House of Representatives.  
1350 Each presiding officer shall, after determining that there are  
1351 sufficient grounds for review, appoint three members of their  
1352 respective bodies to a special joint committee to ~~who shall~~  
1353 investigate the complaint. The members shall elect a chair from  
1354 among their number. If the special joint committee finds  
1355 insufficient evidence to establish probable cause to believe a  
1356 violation ~~of this part or of s. 8, Art. II of the State~~  
1357 ~~Constitution~~ has occurred, it shall dismiss the complaint. If,  
1358 upon completion of its preliminary investigation, the committee  
1359 finds sufficient evidence to establish probable cause to believe  
1360 a violation has occurred, the chair thereof shall transmit such  
1361 findings to the Governor who shall convene a meeting of the  
1362 Governor, the President of the Senate, the Speaker of the House  
1363 of Representatives, and the Chief Justice of the Supreme Court

11-00094-12

2012304\_\_

1364 to take such final action on the complaint as they shall deem  
 1365 appropriate, consistent with the penalty provisions of this  
 1366 part. Upon request of a majority of the Governor, the President  
 1367 of the Senate, the Speaker of the House of Representatives, and  
 1368 the Chief Justice of the Supreme Court, the special joint  
 1369 committee shall submit a recommendation as to what penalty, if  
 1370 any, should be imposed.

1371 (11) Notwithstanding ~~the provisions of~~ subsections (1)-(8),  
 1372 the commission may, ~~at its discretion,~~ dismiss any complaint or  
 1373 other indication of a breach of the public trust at any stage of  
 1374 disposition if ~~should~~ it finds ~~determine~~ that the public  
 1375 interest would not be served by proceeding further, in which  
 1376 case the commission shall issue a public report stating with  
 1377 particularity its reasons for the dismissal.

1378 Section 13. Paragraph (c) of subsection (1) of section  
 1379 310.151, Florida Statutes, is amended to read:

1380 310.151 Rates of pilotage; Pilotage Rate Review Committee.—

1381 (1)

1382 (c) Committee members must ~~shall~~ comply with the disclosure  
 1383 requirements of s. 112.3143(3) ~~112.3143(4)~~ if participating in  
 1384 any matter that would result in special private gain or loss as  
 1385 described in that subsection.

1386 Section 14. Paragraph (a) of subsection (5) of section  
 1387 411.01, Florida Statutes, is amended to read:

1388 411.01 School readiness programs; early learning  
 1389 coalitions.—

1390 (5) CREATION OF EARLY LEARNING COALITIONS.—

1391 (a) *Early learning coalitions.*—

1392 1. Each early learning coalition shall maintain direct



11-00094-12

2012304\_\_

1393 enhancement services at the local level and ensure access to  
1394 such services in all 67 counties.

1395 2. The Office of Early Learning shall establish the minimum  
1396 number of children to be served by each early learning coalition  
1397 through the coalition's school readiness program. The office ~~of~~  
1398 ~~Early Learning~~ may only approve school readiness plans in  
1399 accordance with this minimum number. The minimum number must be  
1400 uniform for every early learning coalition and must:

1401 a. Permit 31 or fewer coalitions to be established; and  
1402 b. Require each coalition to serve at least 2,000 children  
1403 based upon the average number of all children served per month  
1404 through the coalition's school readiness program during the  
1405 previous 12 months.

1406 3. If an early learning coalition would serve fewer  
1407 children than the minimum number established under subparagraph  
1408 2., the coalition must merge with another county to form a  
1409 multicounty coalition. The Office of Early Learning shall adopt  
1410 procedures for merging early learning coalitions, including  
1411 procedures for the consolidation of merging coalitions, and for  
1412 the early termination of the terms of coalition members which  
1413 are necessary to accomplish the mergers. However, the office ~~of~~  
1414 ~~Early Learning~~ shall grant a waiver to an early learning  
1415 coalition to serve fewer children than the minimum number  
1416 established under subparagraph 2., if:

1417 a. The office ~~of Early Learning~~ has determined during the  
1418 most recent review of the coalition's school readiness plan, or  
1419 through monitoring and performance evaluations conducted under  
1420 paragraph (4)(l), that the coalition has substantially  
1421 implemented its plan;

11-00094-12

2012304\_\_

1422           b. The coalition demonstrates to the office ~~of Early~~  
1423 ~~Learning~~ the coalition's ability to effectively and efficiently  
1424 implement the Voluntary Prekindergarten Education Program; and

1425           c. The coalition demonstrates to the office ~~of Early~~  
1426 ~~Learning~~ that the coalition can perform its duties in accordance  
1427 with law.

1428  
1429 If an early learning coalition fails or refuses to merge as  
1430 required by this subparagraph, the Office of Early Learning may  
1431 dissolve the coalition and temporarily contract with a qualified  
1432 entity to continue school readiness and prekindergarten services  
1433 in the coalition's county or multicounty region until the office  
1434 reestablishes the coalition and a new school readiness plan is  
1435 approved by the office.

1436           4. Each early learning coalition shall be composed of at  
1437 least 15 members but not more than 30 members. The Office of  
1438 Early Learning shall adopt standards establishing within this  
1439 range the minimum and maximum number of members that may be  
1440 appointed to an early learning coalition and procedures for  
1441 identifying which members have voting privileges under  
1442 subparagraph 6. These standards must include variations for a  
1443 coalition serving a multicounty region. Each early learning  
1444 coalition must comply with these standards.

1445           5. The Governor shall appoint the chair and two other  
1446 members of each early learning coalition, who must each meet the  
1447 same qualifications as private sector business members appointed  
1448 by the coalition under subparagraph 7.

1449           6. Each early learning coalition must include the following  
1450 member positions; however, in a multicounty coalition, each ex

11-00094-12

2012304\_\_

1451 officio member position may be filled by multiple nonvoting  
1452 members but no more than one voting member shall be seated per  
1453 member position. If an early learning coalition has more than  
1454 one member representing the same entity, only one of such  
1455 members may serve as a voting member:

1456       a. A Department of Children and Family Services circuit  
1457 administrator or his or her designee who is authorized to make  
1458 decisions on behalf of the department.

1459       b. A district superintendent of schools or his or her  
1460 designee who is authorized to make decisions on behalf of the  
1461 district.

1462       c. A regional workforce board executive director or his or  
1463 her designee.

1464       d. A county health department director or his or her  
1465 designee.

1466       e. A children's services council or juvenile welfare board  
1467 chair or executive director, if applicable.

1468       f. An agency head of a local licensing agency as defined in  
1469 s. 402.302, where applicable.

1470       g. A president of a community college or his or her  
1471 designee.

1472       h. One member appointed by a board of county commissioners  
1473 or the governing board of a municipality.

1474       i. A central agency administrator, where applicable.

1475       j. A Head Start director.

1476       k. A representative of private for-profit child care  
1477 providers, including private for-profit family day care homes.

1478       l. A representative of faith-based child care providers.

1479       m. A representative of programs for children with

11-00094-12

2012304\_\_

1480 disabilities under the federal Individuals with Disabilities  
1481 Education Act.

1482         7. Including the members appointed by the Governor under  
1483 subparagraph 5., more than one-third of the members of each  
1484 early learning coalition must be private sector business members  
1485 who do not have, and none of whose relatives as defined in s.  
1486 112.3143 has, a substantial financial interest in the design or  
1487 delivery of the Voluntary Prekindergarten Education Program  
1488 created under part V of chapter 1002 or the coalition's school  
1489 readiness program. To meet this requirement an early learning  
1490 coalition must appoint additional members. The Office of Early  
1491 Learning shall establish criteria for appointing private sector  
1492 business members. These criteria must include standards for  
1493 determining whether a member or relative has a substantial  
1494 financial interest in the design or delivery of the Voluntary  
1495 Prekindergarten Education Program or the coalition's school  
1496 readiness program.

1497         8. A majority of the voting membership of an early learning  
1498 coalition constitutes a quorum required to conduct the business  
1499 of the coalition. An early learning coalition board may use any  
1500 method of telecommunications to conduct meetings, including  
1501 establishing a quorum through telecommunications if, provided  
1502 ~~that~~ the public is given proper notice of a telecommunications  
1503 meeting and reasonable access to observe and, when appropriate,  
1504 participate.

1505         9. A voting member of an early learning coalition may not  
1506 appoint a designee to act in his or her place, except as  
1507 otherwise provided in this paragraph. A voting member may send a  
1508 representative to coalition meetings, but that representative

11-00094-12

2012304\_\_

1509 does not have voting privileges. If ~~When~~ a district  
1510 administrator for the Department of Children and Family Services  
1511 appoints a designee to an early learning coalition, the designee  
1512 is the voting member of the coalition, and any individual  
1513 attending in the designee's place, including the district  
1514 administrator, does not have voting privileges.

1515 10. Each member of an early learning coalition is subject  
1516 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
1517 112.3143(3) ~~s. 112.3143(3)(a)~~, each voting member is a local  
1518 public officer who must abstain from voting when a voting  
1519 conflict exists.

1520 11. For purposes of tort liability, each member or employee  
1521 of an early learning coalition is ~~shall be~~ governed by s.  
1522 768.28.

1523 12. An early learning coalition serving a multicounty  
1524 region must include representation from each county.

1525 13. Each early learning coalition shall establish terms for  
1526 all appointed members of the coalition. The terms must be  
1527 staggered and must be a uniform length that does not exceed 4  
1528 years per term. Coalition chairs shall be appointed for 4 years  
1529 in conjunction with their membership on the Early Learning  
1530 Advisory Council under s. 20.052. Appointed members may serve a  
1531 maximum of two consecutive terms. If ~~When~~ a vacancy occurs in an  
1532 appointed position, the coalition must advertise the vacancy.

1533 Section 15. This act shall take effect July 1, 2012.