

By the Committee on Ethics and Elections

582-00933-13

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1                   A bill to be entitled  
2           An act relating to ethics; amending s. 112.312, F.S.;  
3           revising the definition of "gift" to exclude specified  
4           expenditures of a political committee or committee of  
5           continuous existence; creating s. 112.3125, F.S.;  
6           defining the term "public officer"; prohibiting public  
7           officers from accepting additional employment with the  
8           state or any of its political subdivisions; providing  
9           exceptions; amending s. 112.313, F.S.; providing that  
10          a member of the Legislature may not personally  
11          represent another person or entity for compensation  
12          before any state agency for a period of 2 years  
13          following vacation of office; providing exceptions;  
14          providing that no member of the Legislature may  
15          associate as a partner, principal, or employee of a  
16          firm whose primary purpose is lobbying the Legislature  
17          within the first 2 years after vacation of office  
18          under specified conditions; establishing filing  
19          requirements for a sworn statement; creating s.  
20          112.3142, F.S.; defining the term "constitutional  
21          officers"; requiring constitutional officers to  
22          complete annual ethics training; specifying  
23          requirements for ethics training; requiring each house  
24          of the Legislature to provide for ethics training  
25          pursuant to its rules; creating s. 112.31425, F.S.;  
26          providing legislative findings; providing that holding  
27          an economic interest in a qualified blind trust is not  
28          a prohibited conflict of interest; providing that a  
29          public officer may not attempt to influence, exercise

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30 control of, or obtain information regarding the  
31 holdings of the qualified blind trust; prohibiting  
32 communication regarding the qualified blind trust  
33 between a public officer or a person having a  
34 beneficial interest in the trust and the trustee;  
35 providing exceptions; requiring a public officer to  
36 report the qualified blind trust and its value on his  
37 or her financial disclosure form under specified  
38 circumstances; establishing requirements for creation  
39 of a qualified blind trust; requiring a public officer  
40 who holds a qualified blind trust to file a notice  
41 with the Commission on Ethics; requiring a covered  
42 public official to file an amendment to his or her  
43 most recent financial disclosure statement under  
44 specified conditions; amending s. 112.3143, F.S.;  
45 providing definitions for "principal" and "special  
46 gain or loss"; requiring state public officers to  
47 abstain from voting on any matter that the officer  
48 knows would inure to his or her special private gain  
49 or loss; requiring that a memorandum filed after a  
50 vote be filed no later than 15 days after the vote;  
51 providing that a member of the Legislature satisfies  
52 the disclosure requirement by filing a form created  
53 pursuant to the rules of his or her respective house;  
54 amending s. 112.3144, F.S.; requiring the qualifying  
55 officer to electronically transmit a full and public  
56 disclosure of financial interests of a qualified  
57 candidate to the commission; authorizing the  
58 commission or the Department of Financial Services to

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59 collect an unpaid fine within a specified period of  
60 the initial report of the automatic fine; providing  
61 timeframes for the filing of certain complaints;  
62 authorizing filing individuals to file an amended  
63 statement during a specified timeframe under specified  
64 conditions; authorizing the commission to immediately  
65 follow complaint procedures under specified  
66 conditions; prohibiting the commission from taking  
67 action on complaints alleging immaterial,  
68 inconsequential, or de minimis errors or omissions;  
69 providing what constitutes an immaterial,  
70 inconsequential, or de minimis error or omission;  
71 authorizing an individual required to file a  
72 disclosure to have the statement prepared by a  
73 certified public accountant; requiring a certified  
74 public accountant to attest to the veracity of the  
75 disclosure; requiring the commission to determine if a  
76 certified public accountant failed to disclose  
77 information provided by the filing individual on the  
78 filed statement; providing that the filing individual  
79 is not in violation of the section if a certified  
80 public accountant was in custody of such information  
81 but failed to disclose it on the statement;  
82 authorizing an elected officer or candidate to use  
83 funds in an office account or campaign depository to  
84 pay a certified public accountant for preparing a  
85 disclosure; creating s. 112.31445, F.S.; providing a  
86 definition for "electronic filing system"; requiring  
87 all disclosures of financial interests filed with the

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88 commission to be scanned and made publicly available  
89 on a searchable Internet database beginning with the  
90 2012 filing year; requiring the commission to submit a  
91 proposal to the President of the Senate and the  
92 Speaker of the House of Representatives for a  
93 mandatory electronic filing system by a specified  
94 date; establishing minimum requirements for the  
95 commission's proposal; amending s. 112.3145, F.S.;

96 revising the definitions of "local officer" and  
97 "specified state employee"; requiring the qualifying  
98 officer to electronically transmit a statement of  
99 financial interests of a qualified candidate to the  
100 commission; requiring a person filing a statement of  
101 financial interest to indicate the method of reporting  
102 income; authorizing the commission or the Department  
103 of Financial Services to collect an unpaid fine within  
104 a specified period of the initial report of the  
105 automatic fine; providing timeframes for the filing of  
106 certain complaints; authorizing filing individuals to  
107 file an amended statement during a specified timeframe  
108 under specified conditions; authorizing the commission  
109 to immediately follow complaint procedures under  
110 specified conditions; prohibiting the commission from  
111 taking action on complaints alleging immaterial,  
112 inconsequential, or de minimis errors or omissions;  
113 providing what constitutes an immaterial,  
114 inconsequential, or de minimis error or omission;  
115 authorizing an individual required to file a  
116 disclosure to have the statement prepared by a

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117 certified public accountant; requiring a certified  
118 public accountant to attest to the veracity of the  
119 disclosure; requiring the commission to determine if a  
120 certified public accountant failed to disclose  
121 information provided by the filing individual on the  
122 filed statement; providing that the filing individual  
123 is not in violation of the section if a certified  
124 public accountant was in custody of such information  
125 but failed to disclose it on the statement;  
126 authorizing an elected officer or candidate to use  
127 funds in an office account or campaign depository to  
128 pay a certified public accountant for preparing a  
129 disclosure; creating s. 112.31455, F.S.; requiring the  
130 commission to determine whether an individual owing  
131 certain fines is a current public officer or public  
132 employee or is currently receiving public contract  
133 payments; requiring the commission to notify the Chief  
134 Financial Officer or the governing body of a county,  
135 municipality, or special district of the total amount  
136 of any fine owed to the commission by such  
137 individuals; requiring that the Chief Financial  
138 Officer or the governing body of a county,  
139 municipality, or special district begin withholding 10  
140 percent of any payment from public moneys that would  
141 otherwise be paid to the current public officer,  
142 public employee, or individual currently receiving  
143 public contract payments; requiring that the withheld  
144 payments be remitted to the commission until the fine  
145 is satisfied; authorizing the Chief Financial Officer

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146 or the governing body to retain a percentage of  
147 payment for administrative costs; authorizing  
148 collection methods for the commission or the  
149 Department of Financial Services for individuals who  
150 are no longer public officers or public employees or  
151 who are no longer receiving public contract payments;  
152 amending s. 112.3147, F.S.; providing an exception to  
153 the requirement that all forms be prescribed by the  
154 commission; amending s. 112.3148, F.S.; revising the  
155 definition of "procurement employee"; creating a  
156 definition for "vendor"; prohibiting a reporting  
157 individual or procurement employee from soliciting or  
158 knowingly accepting a gift from a vendor; deleting  
159 references to political committees and committees of  
160 continuous existence; creating s. 112.31485, F.S.;  
161 providing definitions for "gift" and "immediate  
162 family"; prohibiting a reporting individual or  
163 procurement employee or a member of his or her  
164 immediate family from soliciting or knowingly  
165 accepting any gift from a political committee or  
166 committee of continuous existence; prohibiting a  
167 political committee or committee of continuous  
168 existence from giving any gift to a reporting  
169 individual or procurement employee or a member of his  
170 or her immediate family; providing penalties for a  
171 violation; requiring that individuals who violate this  
172 section be held personally liable; amending s.  
173 112.3149, F.S.; revising the definition of  
174 "procurement employee"; creating a definition for

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175 "vendor"; prohibiting a reporting individual or  
176 procurement employee from knowingly accepting an  
177 honorarium from a vendor; prohibiting a vendor from  
178 giving an honorarium to a reporting individual or  
179 procurement employee; reenacting s. 112.317(1)-(5),  
180 F.S., relating to civil penalties, to incorporate the  
181 amendments made to s. 112.3143, F.S., and the creation  
182 of s. 112.31485, F.S., in a reference thereto;  
183 amending s. 112.3215, F.S.; authorizing the commission  
184 to investigate sworn complaints alleging a prohibited  
185 expenditure; authorizing the commission to investigate  
186 a lobbyist or principal upon a sworn complaint or  
187 random audit; providing a civil penalty; amending s.  
188 112.324, F.S.; authorizing specified parties to submit  
189 written referrals of a possible violation of the Code  
190 of Ethics for Public Officers and Employees or other  
191 possible breaches of the public trust to the  
192 Commission on Ethics; establishing procedures for the  
193 receipt of written referrals by the commission;  
194 extending the period in which the disclosure of the  
195 intent to file or the filing of a complaint against a  
196 candidate is prohibited; providing exceptions;  
197 requiring the commission to dismiss a complaint of a  
198 de minimis violation; providing exceptions; defining a  
199 de minimis violation; reenacting s. 120.665, F.S.,  
200 relating to disqualification of agency personnel, to  
201 incorporate the amendments to s. 112.3143, F.S., in a  
202 reference thereto; reenacting s. 286.012, F.S.,  
203 relating to voting requirements at meetings of

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204 governmental bodies, to incorporate the amendments  
205 made to s. 112.3143, F.S., in a reference thereto;  
206 reenacting s. 287.175, F.S., relating to penalties, to  
207 incorporate the amendments made to s. 112.324, F.S.,  
208 in a reference thereto; reenacting s. 288.901(1)(c),  
209 F.S., relating to Enterprise Florida, Inc., to  
210 incorporate the amendments made to s. 112.3143, F.S.,  
211 in a reference thereto; amending s. 445.007, F.S., and  
212 reenacting subsection (1) of that section, relating to  
213 regional workforce boards, to incorporate the  
214 amendments made to s. 112.3143, F.S., in a reference  
215 thereto; correcting cross-references; reenacting s.  
216 627.311(5)(m), F.S., relating to joint underwriters  
217 and joint reinsurers, to incorporate the amendments  
218 made to s. 112.3143, F.S., in a reference thereto;  
219 reenacting s. 627.351(6)(d), F.S., relating to  
220 Citizens Property Insurance Corporation, to  
221 incorporate the amendments made to s. 112.3143, F.S.;  
222 providing an effective date.

223

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

225

226 Section 1. Paragraph (b) of subsection (12) of section  
227 112.312, Florida Statutes, is amended to read:

228 112.312 Definitions.—As used in this part and for purposes  
229 of the provisions of s. 8, Art. II of the State Constitution,  
230 unless the context otherwise requires:

231 (12)

232 (b) "Gift" does not include:

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233 1. Salary, benefits, services, fees, commissions, gifts, or  
234 expenses associated primarily with the donee's employment,  
235 business, or service as an officer or director of a corporation  
236 or organization.

237 2. Except as provided in s. 112.31485, contributions or  
238 expenditures reported pursuant to chapter 106, contributions or  
239 expenditures reported pursuant to federal election law,  
240 campaign-related personal services provided without compensation  
241 by individuals volunteering their time, or any other  
242 contribution or expenditure by a political party or affiliated  
243 party committee.

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

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

249 5. An honorary membership in a service or fraternal  
250 organization presented merely as a courtesy by such  
251 organization.

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

254 7. Transportation provided to a public officer or employee  
255 by an agency in relation to officially approved governmental  
256 business.

257 8. Gifts provided directly or indirectly by a state,  
258 regional, or national organization which promotes the exchange  
259 of ideas between, or the professional development of,  
260 governmental officials or employees, and whose membership is  
261 primarily composed of elected or appointed public officials or

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262 staff, to members of that organization or officials or staff of  
263 a governmental agency that is a member of that organization.

264 Section 2. Section 112.3125, Florida Statutes, is created  
265 to read:

266 112.3125 Dual public employment.-

267 (1) As used in this section, the term "public officer"  
268 includes any person who is elected to state or local office or,  
269 for the period of his or her candidacy, any person who has  
270 qualified as a candidate for state or local office.

271 (2) A public officer may not accept additional public  
272 employment with the state or any of its political subdivisions.

273 (3) A person who was employed by the state or any of its  
274 political subdivisions before qualifying as a public officer for  
275 his or her current term of office, or the next available term of  
276 office, may continue his or her employment except as otherwise  
277 provided by law. However, he or she may not accept promotion,  
278 advancement, additional compensation, or anything of value that  
279 he or she knows, or with the exercise of reasonable care should  
280 know, is provided or given as a result of his or her election or  
281 position, or that is otherwise inconsistent with the promotion,  
282 advancement, additional compensation, or anything of value  
283 provided or given an employee who is similarly situated.

284 (4) This section does not apply to a qualified person  
285 seeking a position as an educator whose primary duties are  
286 instructional, as opposed to managerial or administrative, in  
287 nature.

288 Section 3. Paragraph (a) of subsection (9) of section  
289 112.313, Florida Statutes, is amended to read:

290 112.313 Standards of conduct for public officers, employees

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291 of agencies, and local government attorneys.—

292 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
293 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

294 (a)1. It is the intent of the Legislature to implement by  
295 statute the provisions of s. 8(e), Art. II of the State  
296 Constitution relating to legislators, statewide elected  
297 officers, appointed state officers, and designated public  
298 employees.

299 2. As used in this paragraph:

300 a. "Employee" means:

301 (I) Any person employed in the executive or legislative  
302 branch of government holding a position in the Senior Management  
303 Service as defined in s. 110.402 or any person holding a  
304 position in the Selected Exempt Service as defined in s. 110.602  
305 or any person having authority over policy or procurement  
306 employed by the Department of the Lottery.

307 (II) The Auditor General, the director of the Office of  
308 Program Policy Analysis and Government Accountability, the  
309 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
310 at Arms and Clerk of the House of Representatives.

311 (III) The executive director and deputy executive director  
312 of the Commission on Ethics.

313 (IV) An executive director, staff director, or deputy staff  
314 director of each joint committee, standing committee, or select  
315 committee of the Legislature; an executive director, staff  
316 director, executive assistant, analyst, or attorney of the  
317 Office of the President of the Senate, the Office of the Speaker  
318 of the House of Representatives, the Senate Majority Party  
319 Office, Senate Minority Party Office, House Majority Party

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320 Office, or House Minority Party Office; or any person, hired on  
321 a contractual basis, having the power normally conferred upon  
322 such persons, by whatever title.

323 (V) The Chancellor and Vice Chancellors of the State  
324 University System; the general counsel to the Board of Governors  
325 of the State University System; and the president, provost, vice  
326 presidents, and deans of each state university.

327 (VI) Any person, including an other-personal-services  
328 employee, having the power normally conferred upon the positions  
329 referenced in this sub-subparagraph.

330 b. "Appointed state officer" means any member of an  
331 appointive board, commission, committee, council, or authority  
332 of the executive or legislative branch of state government whose  
333 powers, jurisdiction, and authority are not solely advisory and  
334 include the final determination or adjudication of any personal  
335 or property rights, duties, or obligations, other than those  
336 relative to its internal operations.

337 c. "State agency" means an entity of the legislative,  
338 executive, or judicial branch of state government over which the  
339 Legislature exercises plenary budgetary and statutory control.

340 3. No member of the Legislature, appointed state officer,  
341 or statewide elected officer shall personally represent another  
342 person or entity for compensation before the government body or  
343 agency of which the individual was an officer or member for a  
344 period of 2 years following vacation of office. No member of the  
345 Legislature shall personally represent another person or entity  
346 for compensation during his or her term of office, or for a  
347 period of 2 years following vacation of office, before any state  
348 agency other than judicial tribunals or in settlement

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349 negotiations after the filing of a lawsuit. No member shall  
350 associate as a partner, principal, or employee of a firm whose  
351 primary purpose is lobbying the Legislature for a period of 2  
352 years following vacation of office for the purpose of drafting,  
353 strategizing, consulting, advising or in any way working on  
354 matters that will come before the Legislature, or provide  
355 networking or relationship building services with sitting  
356 members of the Legislature. For purposes of this prohibition,  
357 employment, partnership, or association with a principal, firm,  
358 or entity whose primary purpose is legislative lobbying is  
359 presumptively prohibited unless the principal, firm, entity, or  
360 former member first seeks an opinion from the commission. The  
361 employer, association or partnership, principal, firm, or entity  
362 affiliating with a former member of the Legislature must file  
363 annually a sworn statement with the Secretary of the Senate or  
364 the Clerk of the House of Representatives affirming that the  
365 former member did not engage in any of the prohibited  
366 activities. If the former member who is employed as a lobbyist  
367 served in both houses of the Legislature, the employer,  
368 association or partnership, principal, firm, or entity  
369 affiliating with the former member must file the sworn statement  
370 with the Secretary of the Senate and the Clerk of the House of  
371 Representatives.

372 4. An agency employee, including an agency employee who was  
373 employed on July 1, 2001, in a Career Service System position  
374 that was transferred to the Selected Exempt Service System under  
375 chapter 2001-43, Laws of Florida, may not personally represent  
376 another person or entity for compensation before the agency with  
377 which he or she was employed for a period of 2 years following

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378 vacation of position, unless employed by another agency of state  
379 government.

380 5. Any person violating this paragraph shall be subject to  
381 the penalties provided in s. 112.317 and a civil penalty of an  
382 amount equal to the compensation which the person receives for  
383 the prohibited conduct.

384 6. This paragraph is not applicable to:

385 a. A person employed by the Legislature or other agency  
386 prior to July 1, 1989;

387 b. A person who was employed by the Legislature or other  
388 agency on July 1, 1989, whether or not the person was a defined  
389 employee on July 1, 1989;

390 c. A person who was a defined employee of the State  
391 University System or the Public Service Commission who held such  
392 employment on December 31, 1994;

393 d. A person who has reached normal retirement age as  
394 defined in s. 121.021(29), and who has retired under the  
395 provisions of chapter 121 by July 1, 1991; or

396 e. Any appointed state officer whose term of office began  
397 before January 1, 1995, unless reappointed to that office on or  
398 after January 1, 1995.

399 Section 4. Section 112.3142, Florida Statutes, is created  
400 to read:

401 112.3142 Ethics training for specified constitutional  
402 officers.-

403 (1) As used in this section, the term "constitutional  
404 officers" includes the Governor, the Lieutenant Governor, the  
405 Attorney General, the Chief Financial Officer, the Commissioner  
406 of Agriculture, state attorneys, public defenders, sheriffs, tax

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407 collectors, property appraisers, supervisors of elections,  
408 clerks of the circuit court, county commissioners, district  
409 school board members, and superintendents of schools.

410 (2) All constitutional officers must complete an annual 4-  
411 hour ethics training that addresses, at a minimum, s. 8, Art. II  
412 of the State Constitution, the Code of Ethics for Public  
413 Officers and Employees, and the public records and public  
414 meetings laws of this state. This requirement may be satisfied  
415 by completion of a continuing legal education class or other  
416 continuing professional education class, seminar, or  
417 presentation if the required subjects are covered.

418 (3) Each house of the Legislature shall provide for ethics  
419 training pursuant to its rules.

420 Section 5. Section 112.31425, Florida Statutes, is created  
421 to read:

422 112.31425 Qualified blind trusts.—

423 (1) The Legislature finds that if a public officer creates  
424 a trust and does not control the interests held by the trust,  
425 his or her official actions will not be influenced or appear to  
426 be influenced by private considerations.

427 (2) If a public officer holds a beneficial interest in a  
428 qualified blind trust as described in this section, he or she  
429 does not have a conflict of interest prohibited under s.  
430 112.313(3) or (7) or a voting conflict of interest under s.  
431 112.3143 with regard to matters pertaining to that interest.

432 (3) The public officer may not attempt to influence or  
433 exercise any control over decisions regarding the management of  
434 assets in a qualified blind trust. The public officer or any  
435 person having a beneficial interest in the qualified blind trust

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436 may not make any effort to obtain information with respect to  
437 the holdings of the trust, including obtaining a copy of any  
438 trust tax return filed or any information relating thereto,  
439 except as otherwise provided in this section.

440 (4) Except for communications that consist solely of  
441 requests for distributions of cash or other unspecified assets  
442 of the trust, the public officer or the person who has a  
443 beneficial interest may not have any direct or indirect  
444 communication with the trustee with respect to the trust, unless  
445 such communication is in writing and relates only to:

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

449 (b) The general financial interests and needs of the public  
450 officer or the person who has a beneficial interest, including,  
451 but not limited to, an interest in maximizing income or long-  
452 term capital gain;

453 (c) A notification of the trustee of a law or regulation  
454 subsequently applicable to the public officer which prohibits  
455 the officer from holding an asset and directs that the asset not  
456 be held by the trust; or

457 (d) A direction to the trustee to sell all of an asset  
458 initially placed in the trust by the public officer which, in  
459 the determination of the public officer, creates a conflict of  
460 interest or the appearance thereof due to the subsequent  
461 assumption of duties by the public officer.

462 (5) The public officer shall report the beneficial interest  
463 in the qualified blind trust and its value as an asset on his or  
464 her financial disclosure form, if the value is required to be

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465 disclosed. The public officer shall report the blind trust as a  
466 primary source of income on his or her financial disclosure  
467 forms and its amount, if the amount of income is required to be  
468 disclosed. The public officer is not required to report as a  
469 secondary source of income any source of income to the blind  
470 trust.

471 (6) In order to constitute a qualified blind trust, the  
472 trust established by the public officer must meet the following  
473 requirements:

474 (a) The person appointed as the trustee may not be:

475 1. The public officer's spouse, child, parent, grandparent,  
476 grandchild, brother, sister, parent-in-law, brother-in-law,  
477 sister-in-law, aunt, uncle, or first cousin, or the spouse of  
478 any such person;

479 2. A person who is an elected or appointed public officer  
480 or a public employee; or

481 3. A person who has been appointed to serve in an agency by  
482 the public officer or by a public officer or public employee  
483 supervised by the public officer.

484 (b) The trust agreement that establishes the trust must:

485 1. Contain a statement that its purpose is to remove from  
486 the grantor control and knowledge of investment of trust assets  
487 so that conflicts between the grantor's responsibilities as a  
488 public officer and his or her private interests are eliminated.

489 2. Give the trustee complete discretion to manage the  
490 trust, including, but not limited to, the power to dispose of  
491 and acquire trust assets without consulting or notifying the  
492 covered public officer or the person having a beneficial  
493 interest in the trust.

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494 3. Prohibit communication between the trustee and the  
495 public officer, or the person who has a beneficial interest in  
496 the trust, concerning the holdings or sources of income of the  
497 trust, except amounts of cash value or net income or loss, if  
498 such report does not identify any asset or holding, or except as  
499 provided in this section.

500 4. Provide that the trust tax return is prepared by the  
501 trustee or his or her designee and that any information relating  
502 thereto is not disclosed to the public officer or to the person  
503 who has a beneficial interest, except as provided in this  
504 section.

505 5. Permit the trustee to notify the public officer of the  
506 date of disposition and value at disposition of any original  
507 investment or interest in real property to the extent required  
508 by federal tax law so that the information can be reported on  
509 the public officer's applicable tax returns.

510 6. Prohibit the trustee from disclosing to the public  
511 officer or the person who has a beneficial interest any  
512 information concerning replacement assets to the trust, except  
513 for the minimum tax information that lists only the totals of  
514 taxable items from the trust and does not describe the source of  
515 individual items of income.

516 (c) Within 5 business days after the agreement is executed,  
517 the public officer shall file a notice with the commission  
518 setting forth:

- 519 1. The date that the agreement is executed;  
520 2. The name and address of the trustee; and  
521 3. The acknowledgement by the trustee that he or she has  
522 agreed to serve as trustee.

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523       (7) If the trust is revoked while the covered public  
524 official is a public officer, or if the covered public official  
525 learns of any replacement assets that have been added to the  
526 trust, the covered public official shall file an amendment to  
527 his or her most recent financial disclosure statement. The  
528 amendment shall be filed no later than 60 days after the date of  
529 revocation or the addition of the replacement assets. The  
530 covered public official shall disclose the previously unreported  
531 pro rata share of the trust's interests in investments or income  
532 deriving from any such investments. For purposes of this  
533 section, any replacement asset that becomes known to the covered  
534 public official shall thereafter be treated as though it were an  
535 original asset of the trust.

536       Section 6. Subsections (1) and (2) of section 112.3143,  
537 Florida Statutes, are amended to read:

538       112.3143 Voting conflicts.—

539       (1) As used in this section:

540       (a) "Principal" includes the parent organization or  
541 subsidiary of any person or entity by which the public officer  
542 is retained.

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

546       (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,  
547 husband, wife, brother, sister, father-in-law, mother-in-law,  
548 son-in-law, or daughter-in-law.

549       (d) "Special private gain or loss" means an economic  
550 benefit or harm that would inure to the voting official or the  
551 voting official's relative, business associate, or principal in

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552 a unique way or disproportionate to other members of the group.

553 (2) (a) A ~~No~~ state public officer may not vote on any matter  
554 that the officer knows would inure to his or her special private  
555 gain or loss ~~is prohibited from voting in an official capacity~~  
556 ~~on any matter. However,~~ Any state public officer who abstains  
557 from voting in an official capacity upon any measure that which  
558 the officer knows would inure to the officer's special private  
559 gain or loss or who votes in an official capacity on a measure  
560 that; ~~which~~ he or she knows would inure to the special private  
561 gain or loss of any principal by whom the officer is retained or  
562 to the parent organization or subsidiary of a corporate  
563 principal by which the officer is retained other than an agency  
564 as defined in s. 112.312(2); or which the officer knows would  
565 inure to the special private gain or loss of a relative or  
566 business associate of the public officer, shall make every  
567 reasonable effort to, ~~within 15 days after the vote occurs,~~  
568 disclose the nature of his or her interest as a public record in  
569 a memorandum filed with the person responsible for recording the  
570 minutes of the meeting, who shall incorporate the memorandum in  
571 the minutes. If it is not possible for the state public officer  
572 to file a memorandum before the vote, the memorandum must be  
573 filed with the person responsible for recording the minutes of  
574 the meeting no later than 15 days after the vote.

575 (b) A member of the Legislature may satisfy the disclosure  
576 requirements of this section by filing a disclosure form created  
577 pursuant to the rules of the member's respective house if the  
578 member discloses the information required by this subsection.

579 Section 7. Subsection (2) and paragraph (h) of subsection  
580 (5) of section 112.3144, Florida Statutes, are amended, present

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581 subsection (7) is renumbered as subsection (9), and new  
582 subsections (7) and (8) are added to that section, to read:

583 112.3144 Full and public disclosure of financial  
584 interests.—

585 (2) A person who is required, pursuant to s. 8, Art. II of  
586 the State Constitution, to file a full and public disclosure of  
587 financial interests and who has filed a full and public  
588 disclosure of financial interests for any calendar or fiscal  
589 year shall not be required to file a statement of financial  
590 interests pursuant to s. 112.3145(2) and (3) for the same year  
591 or for any part thereof notwithstanding any requirement of this  
592 part. When a candidate has qualified for office, the qualifying  
593 officer shall, within 3 days of receipt of the full and public  
594 disclosure of financial interests, forward an electronic copy of  
595 the full and public disclosure to the commission. The electronic  
596 copy of the full and public disclosure of financial interests  
597 satisfies the annual disclosure requirement of this section. A  
598 candidate who does not qualify until after the annual full and  
599 public disclosure has been filed pursuant to this section~~7~~

600 ~~except that a candidate for office shall file a copy of his or~~  
601 ~~her disclosure with the officer before whom he or she qualifies.~~

602 (5) Forms for compliance with the full and public  
603 disclosure requirements of s. 8, Art. II of the State  
604 Constitution shall be created by the Commission on Ethics. The  
605 commission shall give notice of disclosure deadlines and  
606 delinquencies and distribute forms in the following manner:

607 (h) Notwithstanding any provision of chapter 120, any fine  
608 imposed under this subsection which is not waived by final order  
609 of the commission and which remains unpaid more than 60 days

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610 after the notice of payment due or more than 60 days after the  
611 commission renders a final order on the appeal must be submitted  
612 to the Department of Financial Services as a claim, debt, or  
613 other obligation owed to the state, and the department shall  
614 assign the collection of such fine to a collection agent as  
615 provided in s. 17.20. The commission or the Department of  
616 Financial Services may take action to collect any unpaid fine  
617 imposed by this subsection within 20 years after the automatic  
618 fine is initially reported to the Department of Financial  
619 Services.

620 (7) (a) The commission shall treat an amended full and  
621 public disclosure of financial interests that is filed prior to  
622 September 1 of the current year as the original filing,  
623 regardless of whether a complaint has been filed. If a complaint  
624 pertaining to the current year alleges a failure to properly and  
625 accurately disclose any information required by this section or  
626 if a complaint filed pertaining to a previous reporting period  
627 within the preceding 5 years alleges a failure to properly and  
628 accurately disclose any information required to be disclosed by  
629 this section, the commission may immediately follow complaint  
630 procedures in s. 112.324. However, if a complaint filed after  
631 August 25 alleges an immaterial, inconsequential, or de minimis  
632 error or omission, the commission may not take any action on the  
633 complaint, other than notifying the filer of the complaint. The  
634 filer must be given 30 days to file an amended full and public  
635 disclosure of financial interests correcting any errors. If the  
636 filer does not file an amended full and public disclosure of  
637 financial interests within 30 days after the commission sends  
638 notice of the complaint, the commission may continue with

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639 proceedings pursuant to s. 112.324.

640 (b) For purposes of the final full and public disclosure of  
641 financial interests, the commission shall treat a new final full  
642 and public disclosure of financial interests as the original  
643 filing if filed within 60 days after the original filing,  
644 regardless of whether a complaint has been filed. If, more than  
645 60 days after a final full and public disclosure of financial  
646 interests is filed, a complaint is filed alleging a complete  
647 omission of any information required to be disclosed by this  
648 section, the commission may immediately follow the complaint  
649 procedures in s. 112.324. However, if the complaint alleges an  
650 immaterial, inconsequential, or de minimis error or omission,  
651 the commission may not take any action on the complaint, other  
652 than notifying the filer of the complaint. The filer must be  
653 given 30 days to file a new final full and public disclosure of  
654 financial interests correcting any errors. If the filer does not  
655 file a new final full and public disclosure of financial  
656 interests within 30 days after the commission sends notice of  
657 the complaint, the commission may continue with proceedings  
658 pursuant to s. 112.324.

659 (c) For purposes of this section, an error or omission is  
660 immaterial, inconsequential, or de minimis if the original  
661 filing provided sufficient information for the public to  
662 identify potential conflicts of interest.

663 (8) (a) An individual required to file a disclosure pursuant  
664 to this section may have the disclosure prepared by a certified  
665 public accountant licensed in this state. The certified public  
666 accountant must attest on the form that he or she prepared the  
667 disclosure in accordance with applicable industry standards, if

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668 any, and that, upon his or her reasonable knowledge and belief,  
669 the disclosure is true and correct. If a complaint is filed  
670 alleging a failure to disclose information required by this  
671 section, the commission shall determine whether the information  
672 was disclosed to the certified public accountant. The failure of  
673 the certified public accountant to accurately transcribe  
674 information provided by the individual required to file is not a  
675 violation of this section.

676 (b) An elected officer or candidate who chooses to use a  
677 certified public accountant to prepare his or her disclosure may  
678 pay for the services of the certified public accountant from  
679 funds in an office account created pursuant to s. 106.141 or,  
680 during a year that the individual qualifies for election to  
681 public office, the candidate's campaign depository pursuant to  
682 s. 106.021.

683 Section 8. Section 112.31445, Florida Statutes, is created  
684 to read:

685 112.31445 Electronic filing system; full and public  
686 disclosure of financial interests.-

687 (1) As used in this section, the term "electronic filing  
688 system" means an Internet system for recording and reporting  
689 full and public disclosure of financial interests or any other  
690 form that is required pursuant to s. 112.3144.

691 (2) Beginning with the 2012 filing year, all full and  
692 public disclosures of financial interests filed with the  
693 commission pursuant to s. 8, Art. II of the State Constitution  
694 or s. 112.3144 must be scanned and made publicly available by  
695 the commission through a searchable Internet database.

696 (3) By December 1, 2015, the commission shall submit a

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697 proposal to the President of the Senate and the Speaker of the  
698 House of Representatives for a mandatory electronic filing  
699 system. The proposal must, at a minimum:

700 (a) Provide for access through the Internet.

701 (b) Establish a procedure to make filings available in a  
702 searchable format that is accessible by an individual using  
703 standard web-browsing software.

704 (c) Provide for direct completion of the full and public  
705 disclosure of financial interests forms as well as upload of  
706 such information using software approved by the commission.

707 (d) Provide a secure method that prevents unauthorized  
708 access to electronic filing system functions.

709 (e) Provide a method for a certified public accountant  
710 licensed in this state to attest that he or she prepared the  
711 disclosure in accordance with applicable industry standards, if  
712 any, and that, upon his or her reasonable knowledge and belief,  
713 the form is true and correct.

714 (f) Address whether additional statutory or rulemaking  
715 authority is necessary for implementation of the system, and  
716 must include, at a minimum, the following elements: alternate  
717 filing procedures to be used in the event that the commission's  
718 electronic filing system is inoperable, issuance of an  
719 electronic receipt via electronic mail indicating and verifying  
720 to the individual who submitted the full and public disclosure  
721 of financial interests form that the form has been filed, and a  
722 determination of the feasibility and necessity of including  
723 statements of financial interests filed pursuant to s. 112.3145  
724 in the proposed system.

725 Section 9. Paragraphs (a) and (b) of subsection (1),

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726 paragraph (a) of subsection (2), subsection (3), and paragraph  
727 (i) of subsection (6) of section 112.3145, Florida Statutes, are  
728 amended, present subsection (9) of that section is renumbered as  
729 subsection (11), and new subsections (9) and (10) are added to  
730 that section, to read:

731 112.3145 Disclosure of financial interests and clients  
732 represented before agencies.—

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

735 (a) "Local officer" means:

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

739 2. Any appointed member of any of the following boards,  
740 councils, commissions, authorities, or other bodies of any  
741 county, municipality, school district, independent special  
742 district, or other political subdivision of the state:

743 a. The governing body of the political subdivision, if  
744 appointed;

745 ~~b. An expressway authority or transportation authority~~  
746 ~~established by general law;~~

747 ~~b.e.~~ A community college or junior college district board  
748 of trustees;

749 ~~c.d.~~ A board having the power to enforce local code  
750 provisions;

751 ~~d.e.~~ A planning or zoning board, board of adjustment, board  
752 of appeals, community redevelopment agency board, or other board  
753 having the power to recommend, create, or modify land planning  
754 or zoning within the political subdivision, except for citizen

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755 advisory committees, technical coordinating committees, and such  
756 other groups who only have the power to make recommendations to  
757 planning or zoning boards;

758 ~~e.f.~~ A pension board or retirement board having the power  
759 to invest pension or retirement funds or the power to make a  
760 binding determination of one's entitlement to or amount of a  
761 pension or other retirement benefit; or

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

766 3. Any person holding one or more of the following  
767 positions: mayor; county or city manager; chief administrative  
768 employee of a county, municipality, or other political  
769 subdivision; county or municipal attorney; finance director of a  
770 county, municipality, or other political subdivision; chief  
771 county or municipal building code inspector; county or municipal  
772 water resources coordinator; county or municipal pollution  
773 control director; county or municipal environmental control  
774 director; county or municipal administrator, with power to grant  
775 or deny a land development permit; chief of police; fire chief;  
776 municipal clerk; district school superintendent; community  
777 college president; district medical examiner; or purchasing  
778 agent having the authority to make any purchase exceeding the  
779 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
780 behalf of any political subdivision of the state or any entity  
781 thereof.

782 (b) "Specified state employee" means:

783 1. Public counsel created by chapter 350, an assistant

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784 state attorney, an assistant public defender, a criminal  
785 conflict and civil regional counsel, an assistant criminal  
786 conflict and civil regional counsel, a full-time state employee  
787 who serves as counsel or assistant counsel to any state agency,  
788 the Deputy Chief Judge of Compensation Claims, a judge of  
789 compensation claims, an administrative law judge, or a hearing  
790 officer.

791 2. Any person employed in the office of the Governor or in  
792 the office of any member of the Cabinet if that person is exempt  
793 from the Career Service System, except persons employed in  
794 clerical, secretarial, or similar positions.

795 3. The State Surgeon General or each appointed secretary,  
796 assistant secretary, deputy secretary, executive director,  
797 assistant executive director, or deputy executive director of  
798 each state department, commission, board, or council; unless  
799 otherwise provided, the division director, assistant division  
800 director, deputy director, bureau chief, and assistant bureau  
801 chief of any state department or division; or any person having  
802 the power normally conferred upon such persons, by whatever  
803 title.

804 4. The superintendent or institute director of a state  
805 mental health institute established for training and research in  
806 the mental health field or the warden or director of any major  
807 state institution or facility established for corrections,  
808 training, treatment, or rehabilitation.

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

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813           6. Any person, other than a legislative assistant exempted  
814 by the presiding officer of the house by which the legislative  
815 assistant is employed, who is employed in the legislative branch  
816 of government, except persons employed in maintenance, clerical,  
817 secretarial, or similar positions.

818           7. Each employee of the Commission on Ethics.

819           (2) (a) A person seeking nomination or election to a state  
820 or local elective office shall file a statement of financial  
821 interests together with, and at the same time he or she files,  
822 qualifying papers. When a candidate has qualified for office,  
823 the qualifying officer shall, within 3 days of receipt of the  
824 statement of financial interests, forward an electronic copy of  
825 the statement of financial interests to the commission. The  
826 electronic copy of the statement of financial interests  
827 satisfies the annual disclosure requirement of this section. A  
828 candidate who does not qualify until after the annual statement  
829 of financial interests has been filed pursuant to this section  
830 shall file a copy of his or her statement with the officer  
831 before whom he or she qualifies.

832           (3) The statement of financial interests for state  
833 officers, specified state employees, local officers, and persons  
834 seeking to qualify as candidates for state or local office shall  
835 be filed even if the reporting person holds no financial  
836 interests requiring disclosure, in which case the statement  
837 shall be marked "not applicable." Otherwise, the statement of  
838 financial interests shall include, at the filer's option,  
839 either:

840           (a)1. All sources of income in excess of 5 percent of the  
841 gross income received during the disclosure period by the person

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842 in his or her own name or by any other person for his or her use  
843 or benefit, excluding public salary. However, this shall not be  
844 construed to require disclosure of a business partner's sources  
845 of income. The person reporting shall list such sources in  
846 descending order of value with the largest source first;

847 2. All sources of income to a business entity in excess of  
848 10 percent of the gross income of a business entity in which the  
849 reporting person held a material interest and from which he or  
850 she received an amount which was in excess of 10 percent of his  
851 or her gross income during the disclosure period and which  
852 exceeds \$1,500. The period for computing the gross income of the  
853 business entity is the fiscal year of the business entity which  
854 ended on, or immediately prior to, the end of the disclosure  
855 period of the person reporting;

856 3. The location or description of real property in this  
857 state, except for residences and vacation homes, owned directly  
858 or indirectly by the person reporting, when such person owns in  
859 excess of 5 percent of the value of such real property, and a  
860 general description of any intangible personal property worth in  
861 excess of 10 percent of such person's total assets. For the  
862 purposes of this paragraph, indirect ownership does not include  
863 ownership by a spouse or minor child; and

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

866 (b)1. All sources of gross income in excess of \$2,500  
867 received during the disclosure period by the person in his or  
868 her own name or by any other person for his or her use or  
869 benefit, excluding public salary. However, this shall not be  
870 construed to require disclosure of a business partner's sources

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871 of income. The person reporting shall list such sources in  
872 descending order of value with the largest source first;

873 2. All sources of income to a business entity in excess of  
874 10 percent of the gross income of a business entity in which the  
875 reporting person held a material interest and from which he or  
876 she received gross income exceeding \$5,000 during the disclosure  
877 period. The period for computing the gross income of the  
878 business entity is the fiscal year of the business entity which  
879 ended on, or immediately prior to, the end of the disclosure  
880 period of the person reporting;

881 3. The location or description of real property in this  
882 state, except for residence and vacation homes, owned directly  
883 or indirectly by the person reporting, when such person owns in  
884 excess of 5 percent of the value of such real property, and a  
885 general description of any intangible personal property worth in  
886 excess of \$10,000. For the purpose of this paragraph, indirect  
887 ownership does not include ownership by a spouse or minor child;  
888 and

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

890

891 A person filing a statement of financial interests shall  
892 indicate on the statement whether he or she is using the method  
893 specified in paragraph (a) or paragraph (b) of this subsection.

894 (6) Forms for compliance with the disclosure requirements  
895 of this section and a current list of persons subject to  
896 disclosure shall be created by the commission and provided to  
897 each supervisor of elections. The commission and each supervisor  
898 of elections shall give notice of disclosure deadlines and  
899 delinquencies and distribute forms in the following manner:

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900 (i) Notwithstanding any provision of chapter 120, any fine  
901 imposed under this subsection which is not waived by final order  
902 of the commission and which remains unpaid more than 60 days  
903 after the notice of payment due or more than 60 days after the  
904 commission renders a final order on the appeal must be submitted  
905 to the Department of Financial Services as a claim, debt, or  
906 other obligation owed to the state, and the department shall  
907 assign the collection of such a fine to a collection agent as  
908 provided in s. 17.20. The commission or the Department of  
909 Financial Services may take action to collect any unpaid fine  
910 imposed by this subsection within 20 years after the automatic  
911 fine is initially reported to the Department of Financial  
912 Services.

913 (9) (a) The commission shall treat an amended statement of  
914 financial interests that is filed prior to September 1 of the  
915 current year as the original filing, regardless of whether a  
916 complaint has been filed. If a complaint pertaining to the  
917 current year alleges a failure to properly and accurately  
918 disclose any information required by this section or if a  
919 complaint filed pertaining to a previous reporting period within  
920 the preceding 5 years alleges a failure to properly and  
921 accurately disclose of any information required to be disclosed  
922 by this section, the commission may immediately follow complaint  
923 procedures in s. 112.324. However, if a complaint filed after  
924 August 25 alleges an immaterial, inconsequential, or de minimis  
925 error or omission, the commission may not take any action on the  
926 complaint, other than notifying the filer of the complaint. The  
927 filer must be given 30 days to file an amended statement of  
928 financial interests correcting any errors. If the filer does not

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929 file an amended statement of financial interests within 30 days  
930 after the commission sends notice of the complaint, the  
931 commission may continue with proceedings pursuant to s. 112.324.

932 (b) For purposes of the final statement of financial  
933 interests, the commission shall treat a new final statement of  
934 financial interests, as the original filing, if filed within 60  
935 days of the original filing regardless of whether a complaint  
936 has been filed. If, more than 60 days after a final statement of  
937 financial interests is filed, a complaint is filed alleging a  
938 complete omission of any information required to be disclosed by  
939 this section, the commission may immediately follow the  
940 complaint procedures in s. 112.324. However, if the complaint  
941 alleges an immaterial, inconsequential, or de minimis error or  
942 omission, the commission may not take any action on the  
943 complaint other than notifying the filer of the complaint. The  
944 filer must be given 30 days to file a new final statement of  
945 financial interests correcting any errors. If the filer does not  
946 file a new final statement of financial interests within 30 days  
947 after the commission sends notice of the complaint, the  
948 commission may continue with proceedings pursuant to s. 112.324.

949 (c) For purposes of this section, an error or omission is  
950 immaterial, inconsequential, or de minimis if the original  
951 filing provided sufficient information for the public to  
952 identify potential conflicts of interest.

953 (10) (a) An individual required to file a disclosure  
954 pursuant to this section may have the disclosure prepared by a  
955 certified public accountant licensed in this state. The  
956 certified public accountant must attest on the form that he or  
957 she prepared the disclosure in accordance with applicable

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958 industry standards, if any, and that, upon his or her reasonable  
959 knowledge and belief, the disclosure is true and correct. If a  
960 complaint is filed alleging a failure to disclose information  
961 required by this section, the commission shall determine whether  
962 the information was disclosed to the certified public  
963 accountant. If the certified public accountant had the  
964 information, but failed to accurately transcribe it onto the  
965 form in the manner required, the filing individual in not in  
966 violation of this section.

967 (b) An elected officer or candidate who chooses to use a  
968 certified public accountant to prepare his or her disclosure may  
969 pay for the services of the certified public accountant from  
970 funds in an office account created pursuant to s. 106.141 or,  
971 during a year that the individual qualifies for election to  
972 public office, the candidate's campaign depository pursuant to  
973 s. 106.021.

974 Section 10. Section 112.31455, Florida Statutes, is created  
975 to read:

976 112.31455 Collection methods for unpaid automatic fines for  
977 failure to timely file disclosure of financial interests.-

978 (1) Before referring any unpaid fine accrued pursuant to s.  
979 112.3144(5) or s. 112.3145(6) to the Department of Financial  
980 Services, the commission shall determine whether the individual  
981 owing such a fine is a current public officer or current public  
982 employee or is currently receiving public contract payments. If  
983 so, the commission shall notify the Chief Financial Officer or  
984 the governing body of the appropriate county, municipality, or  
985 special district of the total amount of any fine owed to the  
986 commission by such individual.

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987       (a) Six months after receipt of notice from the commission,  
988 the Chief Financial Officer or the governing body of the county,  
989 municipality, or special district shall begin withholding 10  
990 percent of any payment made from public moneys or any lesser  
991 amount that will satisfy the outstanding fine, less applicable  
992 state and federal taxes. The withheld payments shall be remitted  
993 to the commission until the fine is satisfied.

994       (b) The Chief Financial Officer or the governing body of  
995 the county, municipality, or special district may retain up to 2  
996 percent of each payment made in order to cover the  
997 administrative costs incurred under this section.

998       (2) If the commission determines that the individual who is  
999 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)  
1000 or s. 112.3145(6) is no longer a public officer or public  
1001 employee or is no longer receiving public contract payments, the  
1002 commission or the Department of Financial Services, 6 months  
1003 after the order becomes final, may:

1004       (a) Record the final order as a judgment lien against any  
1005 real property within the state pursuant to chapter 55; or

1006       (b) Seek garnishment of any wages pursuant to chapter 77.

1007       (3) Collection methods authorized pursuant to this section  
1008 do not exclude any other collection methods statutorily  
1009 authorized.

1010       Section 11. Section 112.3147, Florida Statutes, is amended  
1011 to read:

1012       112.3147 Forms.—Except as otherwise provided, all  
1013 information required to be furnished by ss. 112.313, 112.3143,  
1014 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II  
1015 of the State Constitution shall be on forms prescribed by the

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1016 Commission on Ethics.

1017 Section 12. Paragraph (e) of subsection (2) of section  
1018 112.3148, Florida Statutes, is amended and paragraph (f) is  
1019 added to that subsection, and subsections (3) through (5) of  
1020 that section are amended, to read:

1021 112.3148 Reporting and prohibited receipt of gifts by  
1022 individuals filing full or limited public disclosure of  
1023 financial interests and by procurement employees.—

1024 (2) As used in this section:

1025 (e) "Procurement employee" means any employee of an  
1026 officer, department, board, commission, ~~or~~ council, or agency of  
1027 the executive branch or judicial branch of state government who  
1028 has participated in the preceding 12 months ~~participates~~ through  
1029 decision, approval, disapproval, recommendation, preparation of  
1030 any part of a purchase request, influencing the content of any  
1031 specification or procurement standard, rendering of advice,  
1032 investigation, or auditing or in any other advisory capacity in  
1033 the procurement of contractual services or commodities as  
1034 defined in s. 287.012, if the cost of such services or  
1035 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in  
1036 any year.

1037 (f) "Vendor" means a business entity doing business  
1038 directly with an agency, such as renting, leasing, or selling  
1039 any realty, goods, or services.

1040 (3) A reporting individual or procurement employee is  
1041 prohibited from soliciting any gift from a vendor doing business  
1042 with the reporting individual's or procurement employee's agency  
1043 or from a political committee or committee of continuous  
1044 existence, as defined in s. 106.011, or from a lobbyist who

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1045 lobbies the reporting individual's or procurement employee's  
1046 agency, or the partner, firm, employer, or principal of such  
1047 lobbyist, where such gift is for the personal benefit of the  
1048 reporting individual or procurement employee, another reporting  
1049 individual or procurement employee, or any member of the  
1050 immediate family of a reporting individual or procurement  
1051 employee.

1052 (4) A reporting individual or procurement employee or any  
1053 other person on his or her behalf is prohibited from knowingly  
1054 accepting, directly or indirectly, a gift from a vendor doing  
1055 business with the reporting individual's or procurement  
1056 employee's agency or from a political committee or committee of  
1057 continuous existence, as defined in s. 106.011, or from a  
1058 lobbyist who lobbies the reporting individual's or procurement  
1059 employee's agency, or directly or indirectly on behalf of the  
1060 partner, firm, employer, or principal of a lobbyist, if he or  
1061 she knows or reasonably believes that the gift has a value in  
1062 excess of \$100; however, such a gift may be accepted by such  
1063 person on behalf of a governmental entity or a charitable  
1064 organization. If the gift is accepted on behalf of a  
1065 governmental entity or charitable organization, the person  
1066 receiving the gift shall not maintain custody of the gift for  
1067 any period of time beyond that reasonably necessary to arrange  
1068 for the transfer of custody and ownership of the gift.

1069 (5) (a) A vendor doing business with the reporting  
1070 individual's or procurement employee's agency ~~A political~~  
1071 ~~committee or a committee of continuous existence, as defined in~~  
1072 ~~s. 106.011~~; a lobbyist who lobbies a reporting individual's or  
1073 procurement employee's agency; the partner, firm, employer, or

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1074 principal of a lobbyist; or another on behalf of the lobbyist or  
1075 partner, firm, principal, or employer of the lobbyist is  
1076 prohibited from giving, either directly or indirectly, a gift  
1077 that has a value in excess of \$100 to the reporting individual  
1078 or procurement employee or any other person on his or her  
1079 behalf; however, such person may give a gift having a value in  
1080 excess of \$100 to a reporting individual or procurement employee  
1081 if the gift is intended to be transferred to a governmental  
1082 entity or a charitable organization.

1083 (b) However, a person who is regulated by this subsection,  
1084 who is not regulated by subsection (6), and who makes, or  
1085 directs another to make, an individual gift having a value in  
1086 excess of \$25, but not in excess of \$100, other than a gift that  
1087 the donor knows will be accepted on behalf of a governmental  
1088 entity or charitable organization, must file a report on the  
1089 last day of each calendar quarter for the previous calendar  
1090 quarter in which a reportable gift is made. The report shall be  
1091 filed with the Commission on Ethics, except with respect to  
1092 gifts to reporting individuals of the legislative branch, in  
1093 which case the report shall be filed with the Office of  
1094 Legislative Services. The report must contain a description of  
1095 each gift, the monetary value thereof, the name and address of  
1096 the person making such gift, the name and address of the  
1097 recipient of the gift, and the date such gift is given. In  
1098 addition, if a gift is made which requires the filing of a  
1099 report under this subsection, the donor must notify the intended  
1100 recipient at the time the gift is made that the donor, or  
1101 another on his or her behalf, will report the gift under this  
1102 subsection. Under this paragraph, a gift need not be reported by

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1103 more than one person or entity.

1104 Section 13. Section 112.31485, Florida Statutes, is created  
1105 to read:

1106 112.31485 Prohibition on gifts involving political  
1107 committees and committees of continuous existence.-

1108 (1) (a) For purposes of this section, the term "gift" means  
1109 any purchase, payment, distribution, loan, advance, transfer of  
1110 funds, or disbursement of money or anything of value that is not  
1111 primarily related to contributions, expenditures, or other  
1112 political activities authorized pursuant to chapter 106.

1113 (b) For purposes of this section, the term "immediate  
1114 family" means any parent, spouse, child, or sibling.

1115 (2) (a) A reporting individual or procurement employee or a  
1116 member of his or her immediate family is prohibited from  
1117 soliciting or knowingly accepting, directly or indirectly, any  
1118 gift from a political committee or committee of continuous  
1119 existence.

1120 (b) A political committee or committee of continuous  
1121 existence is prohibited from giving, directly or indirectly, any  
1122 gift to a reporting individual or procurement employee or a  
1123 member of his or her immediate family.

1124 (3) Any person who violates this section is subject to a  
1125 civil penalty equal to three times the amount of the gift. Such  
1126 penalty is in addition to the penalties provided in s. 112.317  
1127 and shall be paid to the General Revenue Fund of the state. A  
1128 reporting individual or procurement employee or a member of his  
1129 or her immediate family who violates this section is personally  
1130 liable for payment of the treble penalty. Any agent or person  
1131 acting on behalf of a political committee or committee of

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1132 continuous existence who gives a prohibited gift is personally  
1133 liable for payment of the treble penalty.

1134 Section 14. Paragraph (e) of subsection (1) of section  
1135 112.3149, Florida Statutes, is amended, and paragraph (f) is  
1136 added to that subsection, and subsections (3) and (4) of that  
1137 section are amended, to read:

1138 112.3149 Solicitation and disclosure of honoraria.—

1139 (1) As used in this section:

1140 (e) "Procurement employee" means any employee of an  
1141 officer, department, board, commission, ~~or~~ council, or agency of  
1142 the executive branch or judicial branch of state government who  
1143 has participated in the preceding 12 months ~~participates~~ through  
1144 decision, approval, disapproval, recommendation, preparation of  
1145 any part of a purchase request, influencing the content of any  
1146 specification or procurement standard, rendering of advice,  
1147 investigation, or auditing or in any other advisory capacity in  
1148 the procurement of contractual services or commodities as  
1149 defined in s. 287.012, if the cost of such services or  
1150 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1151 (f) "Vendor" means a business entity doing business  
1152 directly with an agency, such as renting, leasing, or selling  
1153 any realty, goods, or services.

1154 (3) A reporting individual or procurement employee is  
1155 prohibited from knowingly accepting an honorarium from a  
1156 political committee or committee of continuous existence, as  
1157 defined in s. 106.011, from a vendor doing business with the  
1158 reporting individual's or procurement employee's agency, from a  
1159 lobbyist who lobbies the reporting individual's or procurement  
1160 employee's agency, or from the employer, principal, partner, or

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1161 firm of such a lobbyist.

1162 (4) A political committee or committee of continuous  
1163 existence, as defined in s. 106.011, a vendor doing business  
1164 with the reporting individual's or procurement employee's  
1165 agency, a lobbyist who lobbies a reporting individual's or  
1166 procurement employee's agency, or the employer, principal,  
1167 partner, or firm of such a lobbyist is prohibited from giving an  
1168 honorarium to a reporting individual or procurement employee.

1169 Section 15. For the purpose of incorporating the amendment  
1170 made by this act to section 112.3143, Florida Statutes, and  
1171 newly created section 112.31485, Florida Statutes, in a  
1172 reference thereto, subsections (1) through (5) of section  
1173 112.317, Florida Statutes, are reenacted to read:

1174 112.317 Penalties.—

1175 (1) Violation of any provision of this part, including, but  
1176 not limited to, any failure to file any disclosures required by  
1177 this part or violation of any standard of conduct imposed by  
1178 this part, or violation of any provision of s. 8, Art. II of the  
1179 State Constitution, in addition to any criminal penalty or other  
1180 civil penalty involved, shall, under applicable constitutional  
1181 and statutory procedures, constitute grounds for, and may be  
1182 punished by, one or more of the following:

1183 (a) In the case of a public officer:

1184 1. Impeachment.

1185 2. Removal from office.

1186 3. Suspension from office.

1187 4. Public censure and reprimand.

1188 5. Forfeiture of no more than one-third salary per month  
1189 for no more than 12 months.

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1190 6. A civil penalty not to exceed \$10,000.

1191 7. Restitution of any pecuniary benefits received because  
1192 of the violation committed. The commission may recommend that  
1193 the restitution penalty be paid to the agency of which the  
1194 public officer was a member or to the General Revenue Fund.

1195 (b) In the case of an employee or a person designated as a  
1196 public officer by this part who otherwise would be deemed to be  
1197 an employee:

1198 1. Dismissal from employment.

1199 2. Suspension from employment for not more than 90 days  
1200 without pay.

1201 3. Demotion.

1202 4. Reduction in salary level.

1203 5. Forfeiture of no more than one-third salary per month  
1204 for no more than 12 months.

1205 6. A civil penalty not to exceed \$10,000.

1206 7. Restitution of any pecuniary benefits received because  
1207 of the violation committed. The commission may recommend that  
1208 the restitution penalty be paid to the agency by which the  
1209 public employee was employed, or of which the officer was deemed  
1210 to be an employee, or to the General Revenue Fund.

1211 8. Public censure and reprimand.

1212 (c) In the case of a candidate who violates the provisions  
1213 of this part or s. 8(a) and (i), Art. II of the State  
1214 Constitution:

1215 1. Disqualification from being on the ballot.

1216 2. Public censure.

1217 3. Reprimand.

1218 4. A civil penalty not to exceed \$10,000.

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1219 (d) In the case of a former public officer or employee who  
1220 has violated a provision applicable to former officers or  
1221 employees or whose violation occurred before the officer's or  
1222 employee's leaving public office or employment:

- 1223 1. Public censure and reprimand.
- 1224 2. A civil penalty not to exceed \$10,000.
- 1225 3. Restitution of any pecuniary benefits received because  
1226 of the violation committed. The commission may recommend that  
1227 the restitution penalty be paid to the agency of the public  
1228 officer or employee or to the General Revenue Fund.

1229 (e) In the case of a person who is subject to the standards  
1230 of this part, other than a lobbyist or lobbying firm under s.  
1231 112.3215 for a violation of s. 112.3215, but who is not a public  
1232 officer or employee:

- 1233 1. Public censure and reprimand.
- 1234 2. A civil penalty not to exceed \$10,000.
- 1235 3. Restitution of any pecuniary benefits received because  
1236 of the violation committed. The commission may recommend that  
1237 the restitution penalty be paid to the agency of the person or  
1238 to the General Revenue Fund.

1239 (2) In any case in which the commission finds a violation  
1240 of this part or of s. 8, Art. II of the State Constitution and  
1241 the proper disciplinary official or body under s. 112.324  
1242 imposes a civil penalty or restitution penalty, the Attorney  
1243 General shall bring a civil action to recover such penalty. No  
1244 defense may be raised in the civil action to enforce the civil  
1245 penalty or order of restitution that could have been raised by  
1246 judicial review of the administrative findings and  
1247 recommendations of the commission by certiorari to the district

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1248 court of appeal. The Attorney General shall collect any costs,  
1249 attorney's fees, expert witness fees, or other costs of  
1250 collection incurred in bringing the action.

1251 (3) The penalties prescribed in this part shall not be  
1252 construed to limit or to conflict with:

1253 (a) The power of either house of the Legislature to  
1254 discipline its own members or impeach a public officer.

1255 (b) The power of agencies to discipline officers or  
1256 employees.

1257 (4) Any violation of this part or of s. 8, Art. II of the  
1258 State Constitution by a public officer shall constitute  
1259 malfeasance, misfeasance, or neglect of duty in office within  
1260 the meaning of s. 7, Art. IV of the State Constitution.

1261 (5) By order of the Governor, upon recommendation of the  
1262 commission, any elected municipal officer who violates any  
1263 provision of this part or of s. 8, Art. II of the State  
1264 Constitution may be suspended from office and the office filled  
1265 by appointment for the period of suspension. The suspended  
1266 officer may at any time before removal be reinstated by the  
1267 Governor. The Senate may, in proceedings prescribed by law,  
1268 remove from office, or reinstate, the suspended official, and  
1269 for such purpose the Senate may be convened in special session  
1270 by its President or by a majority of its membership.

1271 Section 16. Paragraphs (a) and (c) of subsection (8) of  
1272 section 112.3215, Florida Statutes, are amended, present  
1273 subsections (11) through (14) are renumbered as (12) through  
1274 (15), respectively, and a new subsection (11) is added to that  
1275 section to read:

1276 112.3215 Lobbying before the executive branch or the

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1277 Constitution Revision Commission; registration and reporting;  
1278 investigation by commission.-

1279 (8) (a) The commission shall investigate every sworn  
1280 complaint that is filed with it alleging that a person covered  
1281 by this section has failed to register, has failed to submit a  
1282 compensation report, has made a prohibited expenditure, or has  
1283 knowingly submitted false information in any report or  
1284 registration required in this section.

1285 (c) The commission shall investigate any lobbying firm,  
1286 lobbyist, principal, agency, officer, or employee upon receipt  
1287 of information from a sworn complaint or from a random audit of  
1288 lobbying reports indicating a possible violation other than a  
1289 late-filed report.

1290 (11) Any person who is required to be registered or to  
1291 provide information under this section or under rules adopted  
1292 pursuant to this section and who knowingly fails to disclose any  
1293 material fact that is required by this section or by rules  
1294 adopted pursuant to this section, or who knowingly provides  
1295 false information on any report required by this section or by  
1296 rules adopted pursuant to this section, commits a noncriminal  
1297 infraction, punishable by a fine not to exceed \$5,000. Such  
1298 penalty is in addition to any other penalty assessed by the  
1299 Governor and Cabinet pursuant to subsection (10).

1300 Section 17. Section 112.324, Florida Statutes, is amended  
1301 to read:

1302 112.324 Procedures on complaints of violations and  
1303 referrals; public records and meeting exemptions.-

1304 (1) ~~Upon a written complaint executed on a form prescribed~~  
1305 ~~by the commission and signed under oath or affirmation by any~~

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1306 ~~person,~~ The commission shall investigate an any alleged  
1307 violation of this part or ~~any~~ other alleged breach of the public  
1308 trust within the jurisdiction of the commission as provided in  
1309 s. 8(f), Art. II of the State Constitution: in accordance with  
1310 ~~procedures set forth herein.~~

1311 (a) Upon a written complaint executed on a form prescribed  
1312 by the commission and signed under oath of affirmation by any  
1313 person; or

1314 (b) Upon receipt of a written referral of a possible  
1315 violation of this part or other possible breach of the public  
1316 trust from the Governor, the Department of Law Enforcement, a  
1317 state attorney, or a United States Attorney which at least six  
1318 members of the commission determine is sufficient to indicate a  
1319 violation of this part or any other breach of the public trust.

1320  
1321 Within 5 days after receipt of a complaint by the commission or  
1322 a determination by at least six members of the commission that  
1323 the referral received is deemed sufficient, a copy shall be  
1324 transmitted to the alleged violator.

1325 (2) (a) The complaint and records relating to the complaint  
1326 or to any preliminary investigation held by the commission or  
1327 its agents, by a Commission on Ethics and Public Trust  
1328 established by any county defined in s. 125.011(1) or by any  
1329 municipality defined in s. 165.031, or by any county or  
1330 municipality that has established a local investigatory process  
1331 to enforce more stringent standards of conduct and disclosure  
1332 requirements as provided in s. 112.326 are confidential and  
1333 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
1334 of the State Constitution.

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1335 (b) Any proceeding conducted by the commission, a  
1336 Commission on Ethics and Public Trust, or a county or  
1337 municipality that has established such local investigatory  
1338 process, pursuant to a complaint or preliminary investigation,  
1339 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
1340 the State Constitution, and s. 120.525.

1341 (c) The exemptions in paragraphs (a) and (b) apply until  
1342 the complaint is dismissed as legally insufficient, until the  
1343 alleged violator requests in writing that such records and  
1344 proceedings be made public, or until the commission, a  
1345 Commission on Ethics and Public Trust, or a county or  
1346 municipality that has established such local investigatory  
1347 process determines, based on such investigation, whether  
1348 probable cause exists to believe that a violation has occurred.  
1349 ~~In no event shall~~ A complaint or referral under this part  
1350 against a candidate in any general, special, or primary election  
1351 may not be filed nor may ~~or~~ any intention of filing such a  
1352 complaint or referral be disclosed on the day of any such  
1353 election or within the 30 ~~5~~ days immediately preceding the date  
1354 of the election, unless the complaint or referral is based upon  
1355 personal information or information other than hearsay.

1356 (d) This subsection is subject to the Open Government  
1357 Sunset Review Act in accordance with s. 119.15 and shall stand  
1358 repealed on October 2, 2015, unless reviewed and saved from  
1359 repeal through reenactment by the Legislature.

1360 (3) A preliminary investigation shall be undertaken by the  
1361 commission of each legally sufficient complaint or referral over  
1362 which the commission has jurisdiction to determine whether there  
1363 is probable cause to believe that a violation has occurred. If,

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1364 upon completion of the preliminary investigation, the commission  
1365 finds no probable cause to believe that this part has been  
1366 violated or that any other breach of the public trust has been  
1367 committed, the commission shall dismiss the complaint or  
1368 referral with the issuance of a public report to the complainant  
1369 and the alleged violator, stating with particularity its reasons  
1370 for dismissal ~~of the complaint~~. At that time, the complaint or  
1371 referral and all materials relating to the complaint or referral  
1372 shall become a matter of public record. If the commission finds  
1373 from the preliminary investigation probable cause to believe  
1374 that this part has been violated or that any other breach of the  
1375 public trust has been committed, it shall so notify the  
1376 complainant and the alleged violator in writing. Such  
1377 notification and all documents made or received in the  
1378 disposition of the complaint or referral shall then become  
1379 public records. Upon request submitted to the commission in  
1380 writing, any person who the commission finds probable cause to  
1381 believe has violated any provision of this part or has committed  
1382 any other breach of the public trust shall be entitled to a  
1383 public hearing. Such person shall be deemed to have waived the  
1384 right to a public hearing if the request is not received within  
1385 14 days following the mailing of the probable cause notification  
1386 required by this subsection. However, the commission may on its  
1387 own motion, require a public hearing, may conduct such further  
1388 investigation as it deems necessary, and may enter into such  
1389 stipulations and settlements as it finds to be just and in the  
1390 best interest of the state. The commission is without  
1391 jurisdiction to, and no respondent may voluntarily or  
1392 involuntarily, enter into a stipulation or settlement which

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1393 imposes any penalty, including, but not limited to, a sanction  
1394 or admonition or any other penalty contained in s. 112.317.  
1395 Penalties shall be imposed only by the appropriate disciplinary  
1396 authority as designated in this section.

1397 (4) If, in cases pertaining to members of the Legislature,  
1398 upon completion of a full and final investigation by the  
1399 commission, the commission finds that there has been a violation  
1400 of this part or of any provision of s. 8, Art. II of the State  
1401 Constitution, the commission shall forward a copy of the  
1402 complaint or referral and its findings by certified mail to the  
1403 President of the Senate or the Speaker of the House of  
1404 Representatives, whichever is applicable, who shall refer the  
1405 complaint or referral to the appropriate committee for  
1406 investigation and action which shall be governed by the rules of  
1407 its respective house. It ~~is shall be~~ the duty of the committee  
1408 to report its final action upon the matter ~~complaint~~ to the  
1409 commission within 90 days of the date of transmittal to the  
1410 respective house. Upon request of the committee, the commission  
1411 shall submit a recommendation as to what penalty, if any, should  
1412 be imposed. In the case of a member of the Legislature, the  
1413 house in which the member serves has ~~shall have~~ the power to  
1414 invoke the penalty provisions of this part.

1415 (5) If, in cases ~~pertaining to complaints~~ against  
1416 impeachable officers, upon completion of a full and final  
1417 investigation by the commission, the commission finds that there  
1418 has been a violation of this part or of any provision of s. 8,  
1419 Art. II of the State Constitution, and the commission finds that  
1420 the violation may constitute grounds for impeachment, the  
1421 commission shall forward a copy of the complaint or referral and

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1422 its findings by certified mail to the Speaker of the House of  
1423 Representatives, who shall refer the complaint or referral to  
1424 the appropriate committee for investigation and action which  
1425 shall be governed by the rules of the House of Representatives.  
1426 It is ~~shall be~~ the duty of the committee to report its final  
1427 action upon the matter ~~complaint~~ to the commission within 90  
1428 days of the date of transmittal.

1429 (6) If the commission finds that there has been a violation  
1430 of this part or of any provision of s. 8, Art. II of the State  
1431 Constitution by an impeachable officer other than the Governor,  
1432 and the commission recommends public censure and reprimand,  
1433 forfeiture of a portion of the officer's salary, a civil  
1434 penalty, or restitution, the commission shall report its  
1435 findings and recommendation of disciplinary action to the  
1436 Governor, who has ~~shall have~~ the power to invoke the penalty  
1437 provisions of this part.

1438 (7) If the commission finds that there has been a violation  
1439 of this part or of any provision of s. 8, Art. II of the State  
1440 Constitution by the Governor, and the commission recommends  
1441 public censure and reprimand, forfeiture of a portion of the  
1442 Governor's salary, a civil penalty, or restitution, the  
1443 commission shall report its findings and recommendation of  
1444 disciplinary action to the Attorney General, who shall have the  
1445 power to invoke the penalty provisions of this part.

1446 (8) If, in cases ~~pertaining to complaints~~ other than  
1447 complaints or referrals against impeachable officers or members  
1448 of the Legislature, upon completion of a full and final  
1449 investigation by the commission, the commission finds that there  
1450 has been a violation of this part or of s. 8, Art. II of the

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1451 State Constitution, it is ~~shall be~~ the duty of the commission to  
1452 report its findings and recommend appropriate action to the  
1453 proper disciplinary official or body as follows, and such  
1454 official or body has ~~shall have~~ the power to invoke the penalty  
1455 provisions of this part, including the power to order the  
1456 appropriate elections official to remove a candidate from the  
1457 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.  
1458 II of the State Constitution:

1459 (a) The President of the Senate and the Speaker of the  
1460 House of Representatives, jointly, in any case concerning the  
1461 Public Counsel, members of the Public Service Commission,  
1462 members of the Public Service Commission Nominating Council, the  
1463 Auditor General, or the director of the Office of Program Policy  
1464 Analysis and Government Accountability.

1465 (b) The Supreme Court, in any case concerning an employee  
1466 of the judicial branch.

1467 (c) The President of the Senate, in any case concerning an  
1468 employee of the Senate; the Speaker of the House of  
1469 Representatives, in any case concerning an employee of the House  
1470 of Representatives; or the President and the Speaker, jointly,  
1471 in any case concerning an employee of a committee of the  
1472 Legislature whose members are appointed solely by the President  
1473 and the Speaker or in any case concerning an employee of the  
1474 Public Counsel, Public Service Commission, Auditor General, or  
1475 Office of Program Policy Analysis and Government Accountability.

1476 (d) Except as otherwise provided by this part, the  
1477 Governor, in the case of any other public officer, public  
1478 employee, former public officer or public employee, candidate or  
1479 former candidate, or person who is not a public officer or

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1480 employee, other than lobbyists and lobbying firms under s.  
1481 112.3215 for violations of s. 112.3215.

1482 (e) The President of the Senate or the Speaker of the House  
1483 of Representatives, whichever is applicable, in any case  
1484 concerning a former member of the Legislature who has violated a  
1485 provision applicable to former members or whose violation  
1486 occurred while a member of the Legislature.

1487 (9) In addition to reporting its findings to the proper  
1488 disciplinary body or official, the commission shall report these  
1489 findings to the state attorney or any other appropriate official  
1490 or agency having authority to initiate prosecution when  
1491 violation of criminal law is indicated.

1492 (10) Notwithstanding the foregoing procedures of this  
1493 section, a sworn complaint against any member or employee of the  
1494 Commission on Ethics for violation of this part or of s. 8, Art.  
1495 II of the State Constitution shall be filed with the President  
1496 of the Senate and the Speaker of the House of Representatives.  
1497 Each presiding officer shall, after determining that there are  
1498 sufficient grounds for review, appoint three members of their  
1499 respective bodies to a special joint committee who shall  
1500 investigate the complaint. The members shall elect a chair from  
1501 among their number. If the special joint committee finds  
1502 insufficient evidence to establish probable cause to believe a  
1503 violation of this part or of s. 8, Art. II of the State  
1504 Constitution has occurred, it shall dismiss the complaint. If,  
1505 upon completion of its preliminary investigation, the committee  
1506 finds sufficient evidence to establish probable cause to believe  
1507 a violation has occurred, the chair thereof shall transmit such  
1508 findings to the Governor who shall convene a meeting of the

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1509 Governor, the President of the Senate, the Speaker of the House  
1510 of Representatives, and the Chief Justice of the Supreme Court  
1511 to take such final action on the complaint as they shall deem  
1512 appropriate, consistent with the penalty provisions of this  
1513 part. Upon request of a majority of the Governor, the President  
1514 of the Senate, the Speaker of the House of Representatives, and  
1515 the Chief Justice of the Supreme Court, the special joint  
1516 committee shall submit a recommendation as to what penalty, if  
1517 any, should be imposed.

1518 (11) (a) Notwithstanding the provisions of subsections (1)-  
1519 (8), the commission shall dismiss any complaint or referral at  
1520 any stage of disposition should it determine that the violation  
1521 that is alleged or has occurred is a de minimis violation  
1522 attributable to inadvertent or unintentional error. In  
1523 determining whether a violation was de minimis, the commission  
1524 shall consider whether the interests of the public were  
1525 protected despite the violation. This subsection does not apply  
1526 to complaints pursuant to ss. 112.3144 and 112.3145.

1527 (b) For the purposes of this subsection, a de minimis  
1528 violation is any violation that is unintentional and not  
1529 material in nature.

1530 (12)~~(11)~~ Notwithstanding the provisions of subsections (1)-  
1531 (8), the commission may, at its discretion, dismiss any  
1532 complaint or referral at any stage of disposition should it  
1533 determine that the public interest would not be served by  
1534 proceeding further, in which case the commission shall issue a  
1535 public report stating with particularity its reasons for the  
1536 dismissal.

1537 Section 18. For the purpose of incorporating the amendment

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1538 made by this act to section 112.3143, Florida Statutes, in a  
1539 reference thereto, subsection (1) of section 120.665, Florida  
1540 Statutes, is reenacted to read:

1541 120.665 Disqualification of agency personnel.—

1542 (1) Notwithstanding the provisions of s. 112.3143, any  
1543 individual serving alone or with others as an agency head may be  
1544 disqualified from serving in an agency proceeding for bias,  
1545 prejudice, or interest when any party to the agency proceeding  
1546 shows just cause by a suggestion filed within a reasonable  
1547 period of time prior to the agency proceeding. If the  
1548 disqualified individual was appointed, the appointing power may  
1549 appoint a substitute to serve in the matter from which the  
1550 individual is disqualified. If the individual is an elected  
1551 official, the Governor may appoint a substitute to serve in the  
1552 matter from which the individual is disqualified. However, if a  
1553 quorum remains after the individual is disqualified, it shall  
1554 not be necessary to appoint a substitute.

1555 Section 19. For the purpose of incorporating the amendment  
1556 made by this act to section 112.3143, Florida Statutes, in a  
1557 reference thereto, section 286.012, Florida Statutes, is  
1558 reenacted to read:

1559 286.012 Voting requirement at meetings of governmental  
1560 bodies.—No member of any state, county, or municipal  
1561 governmental board, commission, or agency who is present at any  
1562 meeting of any such body at which an official decision, ruling,  
1563 or other official act is to be taken or adopted may abstain from  
1564 voting in regard to any such decision, ruling, or act; and a  
1565 vote shall be recorded or counted for each such member present,  
1566 except when, with respect to any such member, there is, or

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1567 appears to be, a possible conflict of interest under the  
1568 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such  
1569 cases, said member shall comply with the disclosure requirements  
1570 of s. 112.3143.

1571 Section 20. For the purpose of incorporating the amendment  
1572 made by this act to section 112.324, Florida Statutes, in a  
1573 reference thereto, section 287.175, Florida Statutes, is  
1574 reenacted to read:

1575 287.175 Penalties.—A violation of this part or a rule  
1576 adopted hereunder, pursuant to applicable constitutional and  
1577 statutory procedures, constitutes misuse of public position as  
1578 defined in s. 112.313(6), and is punishable as provided in s.  
1579 112.317. The Chief Financial Officer shall report incidents of  
1580 suspected misuse to the Commission on Ethics, and the commission  
1581 shall investigate possible violations of this part or rules  
1582 adopted hereunder when reported by the Chief Financial Officer,  
1583 notwithstanding the provisions of s. 112.324. Any violation of  
1584 this part or a rule adopted hereunder shall be presumed to have  
1585 been committed with wrongful intent, but such presumption is  
1586 rebuttable. Nothing in this section is intended to deny rights  
1587 provided to career service employees by s. 110.227.

1588 Section 21. For the purpose of incorporating the amendment  
1589 made by this act to section 112.3143, Florida Statutes, in a  
1590 reference thereto, paragraph (c) of subsection (1) of section  
1591 288.901, Florida Statutes, is reenacted to read:

1592 288.901 Enterprise Florida, Inc.—

1593 (1) CREATION.—

1594 (c) The Legislature determines that it is in the public  
1595 interest for the members of Enterprise Florida, Inc., board of

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1596 directors to be subject to the requirements of ss. 112.3135,  
1597 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding  
1598 the fact that the board members are not public officers or  
1599 employees. For purposes of those sections, the board members  
1600 shall be considered to be public officers or employees. The  
1601 exemption set forth in s. 112.313(12) for advisory boards  
1602 applies to the members of Enterprise Florida, Inc., board of  
1603 directors. Further, each member of the board of directors who is  
1604 not otherwise required to file financial disclosures pursuant to  
1605 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
1606 file disclosure of financial interests pursuant to s. 112.3145.

1607 Section 22. Subsection (1) of section 445.007, Florida  
1608 Statutes, is reenacted for the purpose of incorporating the  
1609 amendment made by this act to section 112.3143, Florida  
1610 Statutes, in a reference thereto, and subsection (11) of that  
1611 section is amended, to read:

1612 445.007 Regional workforce boards.—

1613 (1) One regional workforce board shall be appointed in each  
1614 designated service delivery area and shall serve as the local  
1615 workforce investment board pursuant to Pub. L. No. 105-220. The  
1616 membership of the board shall be consistent with Pub. L. No.  
1617 105-220, Title I, s. 117(b) but may not exceed the minimum  
1618 membership required in Pub. L. No. 105-220, Title I, s.  
1619 117(b) (2) (A) and in this subsection. Upon approval by the  
1620 Governor, the chief elected official may appoint additional  
1621 members above the limit set by this subsection. If a public  
1622 education or training provider is represented on the board, a  
1623 representative of a private nonprofit provider and a  
1624 representative of a private for-profit provider must also be

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1625 appointed to the board. The board shall include one nonvoting  
1626 representative from a military installation if a military  
1627 installation is located within the region and the appropriate  
1628 military command or organization authorizes such representation.  
1629 It is the intent of the Legislature that membership of a  
1630 regional workforce board include persons who are current or  
1631 former recipients of welfare transition assistance as defined in  
1632 s. 445.002(2) or workforce services as provided in s. 445.009(1)  
1633 or that such persons be included as ex officio members of the  
1634 board or of committees organized by the board. The importance of  
1635 minority and gender representation shall be considered when  
1636 making appointments to the board. The board, its committees,  
1637 subcommittees, and subdivisions, and other units of the  
1638 workforce system, including units that may consist in whole or  
1639 in part of local governmental units, may use any method of  
1640 telecommunications to conduct meetings, including establishing a  
1641 quorum through telecommunications, provided that the public is  
1642 given proper notice of the telecommunications meeting and  
1643 reasonable access to observe and, when appropriate, participate.  
1644 Regional workforce boards are subject to chapters 119 and 286  
1645 and s. 24, Art. I of the State Constitution. If the regional  
1646 workforce board enters into a contract with an organization or  
1647 individual represented on the board of directors, the contract  
1648 must be approved by a two-thirds vote of the board, a quorum  
1649 having been established, and the board member who could benefit  
1650 financially from the transaction must abstain from voting on the  
1651 contract. A board member must disclose any such conflict in a  
1652 manner that is consistent with the procedures outlined in s.  
1653 112.3143. Each member of a regional workforce board who is not

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1654 otherwise required to file a full and public disclosure of  
1655 financial interests pursuant to s. 8, Art. II of the State  
1656 Constitution or s. 112.3144 shall file a statement of financial  
1657 interests pursuant to s. 112.3145. The executive director or  
1658 designated person responsible for the operational and  
1659 administrative functions of the regional workforce board who is  
1660 not otherwise required to file a full and public disclosure of  
1661 financial interests pursuant to s. 8, Art. II of the State  
1662 Constitution or s. 112.3144 shall file a statement of financial  
1663 interests pursuant to s. 112.3145.

1664 (11) To increase transparency and accountability, a  
1665 regional workforce board must comply with the requirements of  
1666 this section before contracting with a member of the board or a  
1667 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a  
1668 board member or of an employee of the board. Such contracts may  
1669 not be executed before or without the approval of Workforce  
1670 Florida, Inc. Such contracts, as well as documentation  
1671 demonstrating adherence to this section as specified by  
1672 Workforce Florida, Inc., must be submitted to the Department of  
1673 Economic Opportunity for review and recommendation according to  
1674 criteria to be determined by Workforce Florida, Inc. Such a  
1675 contract must be approved by a two-thirds vote of the board, a  
1676 quorum having been established; all conflicts of interest must  
1677 be disclosed before the vote; and any member who may benefit  
1678 from the contract, or whose relative may benefit from the  
1679 contract, must abstain from the vote. A contract under \$25,000  
1680 between a regional workforce board and a member of that board or  
1681 between a relative, as defined in s. 112.3143(1)(c)  
1682 ~~112.3143(1)(b)~~, of a board member or of an employee of the board

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1683 is not required to have the prior approval of Workforce Florida,  
1684 Inc., but must be approved by a two-thirds vote of the board, a  
1685 quorum having been established, and must be reported to the  
1686 Department of Economic Opportunity and Workforce Florida, Inc.,  
1687 within 30 days after approval. If a contract cannot be approved  
1688 by Workforce Florida, Inc., a review of the decision to  
1689 disapprove the contract may be requested by the regional  
1690 workforce board or other parties to the disapproved contract.

1691 Section 23. For the purpose of incorporating the amendment  
1692 made by this act to section 112.3143, Florida Statutes, in a  
1693 reference thereto, paragraph (m) of subsection (5) of section  
1694 627.311, Florida Statutes, is reenacted to read:

1695 627.311 Joint underwriters and joint reinsurers; public  
1696 records and public meetings exemptions.—

1697 (5)

1698 (m) Senior managers and officers, as defined in the plan of  
1699 operation, and members of the board of governors are subject to  
1700 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
1701 112.316, and 112.317. Senior managers, officers, and board  
1702 members are also required to file such disclosures with the  
1703 Commission on Ethics and the Office of Insurance Regulation. The  
1704 executive director of the plan or his or her designee shall  
1705 notify each newly appointed and existing appointed member of the  
1706 board of governors, senior manager, and officer of his or her  
1707 duty to comply with the reporting requirements of s. 112.3145.  
1708 At least quarterly, the executive director of the plan or his or  
1709 her designee shall submit to the Commission on Ethics a list of  
1710 names of the senior managers, officers, and members of the board  
1711 of governors who are subject to the public disclosure

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1712 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
1713 employee, officer, owner, or director of an insurance agency,  
1714 insurance company, or other insurance entity may be a member of  
1715 the board of governors unless such employee, officer, owner, or  
1716 director of an insurance agency, insurance company, other  
1717 insurance entity, or an affiliate provides policy issuance,  
1718 policy administration, underwriting, claims handling, or payroll  
1719 audit services. Notwithstanding s. 112.3143, such board member  
1720 may not participate in or vote on a matter if the insurance  
1721 agency, insurance company, or other insurance entity would  
1722 obtain a special or unique benefit that would not apply to other  
1723 similarly situated insurance entities.

1724 Section 24. For the purpose of incorporating the amendment  
1725 made to this act to section 112.3143, Florida Statutes, in a  
1726 reference thereto, paragraph (d) of subsection (6) of section  
1727 627.351, Florida Statutes, is reenacted to read:

1728 627.351 Insurance risk apportionment plans.—

1729 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1730 (d)1. All prospective employees for senior management  
1731 positions, as defined by the plan of operation, are subject to  
1732 background checks as a prerequisite for employment. The office  
1733 shall conduct the background checks pursuant to ss. 624.34,  
1734 624.404(3), and 628.261.

1735 2. On or before July 1 of each year, employees of the  
1736 corporation must sign and submit a statement attesting that they  
1737 do not have a conflict of interest, as defined in part III of  
1738 chapter 112. As a condition of employment, all prospective  
1739 employees must sign and submit to the corporation a conflict-of-  
1740 interest statement.

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1741           3. Senior managers and members of the board of governors  
1742 are subject to part III of chapter 112, including, but not  
1743 limited to, the code of ethics and public disclosure and  
1744 reporting of financial interests, pursuant to s. 112.3145.  
1745 Notwithstanding s. 112.3143(2), a board member may not vote on  
1746 any measure that would inure to his or her special private gain  
1747 or loss; that he or she knows would inure to the special private  
1748 gain or loss of any principal by whom he or she is retained or  
1749 to the parent organization or subsidiary of a corporate  
1750 principal by which he or she is retained, other than an agency  
1751 as defined in s. 112.312; or that he or she knows would inure to  
1752 the special private gain or loss of a relative or business  
1753 associate of the public officer. Before the vote is taken, such  
1754 member shall publicly state to the assembly the nature of his or  
1755 her interest in the matter from which he or she is abstaining  
1756 from voting and, within 15 days after the vote occurs, disclose  
1757 the nature of his or her interest as a public record in a  
1758 memorandum filed with the person responsible for recording the  
1759 minutes of the meeting, who shall incorporate the memorandum in  
1760 the minutes. Senior managers and board members are also required  
1761 to file such disclosures with the Commission on Ethics and the  
1762 Office of Insurance Regulation. The executive director of the  
1763 corporation or his or her designee shall notify each existing  
1764 and newly appointed member of the board of governors and senior  
1765 managers of their duty to comply with the reporting requirements  
1766 of part III of chapter 112. At least quarterly, the executive  
1767 director or his or her designee shall submit to the Commission  
1768 on Ethics a list of names of the senior managers and members of  
1769 the board of governors who are subject to the public disclosure

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1770 requirements under s. 112.3145.

1771 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other  
1772 provision of law, an employee or board member may not knowingly  
1773 accept, directly or indirectly, any gift or expenditure from a  
1774 person or entity, or an employee or representative of such  
1775 person or entity, which has a contractual relationship with the  
1776 corporation or who is under consideration for a contract. An  
1777 employee or board member who fails to comply with subparagraph  
1778 3. or this subparagraph is subject to penalties provided under  
1779 ss. 112.317 and 112.3173.

1780 5. Any senior manager of the corporation who is employed on  
1781 or after January 1, 2007, regardless of the date of hire, who  
1782 subsequently retires or terminates employment is prohibited from  
1783 representing another person or entity before the corporation for  
1784 2 years after retirement or termination of employment from the  
1785 corporation.

1786 6. Any senior manager of the corporation who is employed on  
1787 or after January 1, 2007, regardless of the date of hire, who  
1788 subsequently retires or terminates employment is prohibited from  
1789 having any employment or contractual relationship for 2 years  
1790 with an insurer that has entered into a take-out bonus agreement  
1791 with the corporation.

1792 Section 25. This act shall take effect upon becoming a law.