

20132e2

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312, F.S.;
3 revising the definitions of "business entity" and
4 "gift"; creating s. 112.3125, F.S.; defining the term
5 "public officer"; prohibiting public officers from
6 accepting additional employment with the state or any
7 of its political subdivisions under specified
8 conditions; amending s. 112.313, F.S.; prohibiting a
9 former legislator from acting as a lobbyist before an
10 executive branch agency, agency official, or employee
11 for a specified period following vacation of office;
12 providing definitions; creating s. 112.3142, F.S.;
13 defining the term "constitutional officers"; requiring
14 constitutional officers to complete annual ethics
15 training; specifying requirements for ethics training;
16 requiring the commission to adopt rules to establish
17 minimum course content; requiring each house of the
18 Legislature to provide for ethics training pursuant to
19 its rules; creating s. 112.31425, F.S.; providing
20 legislative findings; providing that holding an
21 economic interest in a qualified blind trust is not a
22 prohibited conflict of interest; providing that a
23 public officer may not attempt to influence, exercise
24 control of, or obtain information regarding the
25 holdings of the qualified blind trust; prohibiting
26 communication regarding the qualified blind trust
27 between a public officer or a person having a
28 beneficial interest in the trust and the trustee;
29 providing exceptions; requiring a public officer to

20132e2

30 report the qualified blind trust and its value on his
31 or her financial disclosure form under specified
32 circumstances; establishing requirements for creation
33 of a qualified blind trust; requiring a public officer
34 who holds a qualified blind trust to file a notice
35 with the Commission on Ethics; requiring a covered
36 public official to file an amendment to his or her
37 most recent financial disclosure statement under
38 specified conditions; amending s. 112.3143, F.S.;
39 providing definitions; requiring state public officers
40 to abstain from voting on any matter that the officer
41 knows would inure to his or her special private gain
42 or loss; requiring that a memorandum filed after a
43 vote be filed no later than 15 days after the vote;
44 providing that a member of the Legislature satisfies
45 the disclosure requirement by filing a form created
46 pursuant to the rules of his or her respective house;
47 providing that confidential or privileged information
48 need not be disclosed; amending s. 112.3144, F.S.;
49 requiring the qualifying officer to electronically
50 transmit a full and public disclosure of financial
51 interests of a qualified candidate to the commission;
52 providing timeframes for the filing of certain
53 complaints; authorizing filing individuals to file an
54 amended statement during a specified timeframe under
55 specified conditions; authorizing the commission to
56 immediately follow complaint procedures under
57 specified conditions; prohibiting the commission from
58 taking action on complaints alleging immaterial,

20132e2

59 inconsequential, or de minimis errors or omissions;
60 providing what constitutes an immaterial,
61 inconsequential, or de minimis error or omission;
62 authorizing an individual required to file a
63 disclosure to have the statement prepared by an
64 attorney or a certified public accountant; requiring
65 an attorney or certified public accountant to sign the
66 completed disclosure form to indicate compliance with
67 applicable requirements and that the disclosure is
68 true and correct based on reasonable knowledge and
69 belief; providing circumstances under which the
70 commission must determine if an attorney or a
71 certified public accountant failed to disclose
72 information provided by the filing individual on the
73 filed statement; providing that the failure of the
74 attorney or certified public accountant to accurately
75 transcribe information provided by the filing
76 individual does not constitute a violation;
77 authorizing an elected officer or candidate to use
78 funds in an office account or campaign depository to
79 pay an attorney or certified public accountant for
80 preparing a disclosure; creating s. 112.31445, F.S.;
81 providing a definition for "electronic filing system";
82 requiring all disclosures of financial interests filed
83 with the commission to be scanned and made publicly
84 available on a searchable Internet database beginning
85 with the 2012 filing year; requiring the commission to
86 submit a proposal to the President of the Senate and
87 the Speaker of the House of Representatives for a

20132e2

88 mandatory electronic filing system by a specified
89 date; establishing minimum requirements for the
90 commission's proposal; amending s. 112.3145, F.S.;
91 revising the definitions of "local officer" and
92 "specified state employee"; revising procedures for
93 the filing of a statement of financial interests with
94 a candidate's qualifying papers; requiring a person
95 filing a statement of financial interest to indicate
96 the method of reporting income; providing timeframes
97 for the filing of certain complaints; authorizing
98 filing individuals to file an amended statement during
99 a specified timeframe under specified conditions;
100 authorizing the commission to immediately follow
101 complaint procedures under specified conditions;
102 prohibiting the commission from taking action on
103 complaints alleging immaterial, inconsequential, or de
104 minimis errors or omissions; providing what
105 constitutes an immaterial, inconsequential, or de
106 minimis error or omission; authorizing an individual
107 required to file a disclosure to have the statement
108 prepared by an attorney or a certified public
109 accountant; requiring an attorney or certified public
110 accountant to sign the completed disclosure form to
111 indicate compliance with applicable requirements and
112 that the disclosure is true and correct based on
113 reasonable knowledge and belief; providing
114 circumstances under which the commission must
115 determine if an attorney or a certified public
116 accountant failed to disclose information provided by

20132e2

117 the filing individual on the filed statement;
118 providing that the failure of the attorney or
119 certified public accountant to accurately transcribe
120 information provided by the filing individual does not
121 constitute a violation; authorizing an elected officer
122 or candidate to use funds in an office account or
123 campaign depository to pay an attorney or certified
124 public accountant for preparing a disclosure; creating
125 s. 112.31455, F.S.; requiring the commission to
126 attempt to determine whether an individual owing
127 certain fines is a current public officer or public
128 employee; authorizing the commission to notify the
129 Chief Financial Officer or the governing body of a
130 county, municipality, or special district of the total
131 amount of any fine owed to the commission by such
132 individuals; requiring that the Chief Financial
133 Officer or the governing body of a county,
134 municipality, or special district begin withholding
135 portions of any salary payment that would otherwise be
136 paid to the current public officer or public employee;
137 requiring that the withheld payments be remitted to
138 the commission until the fine is satisfied;
139 authorizing the Chief Financial Officer or the
140 governing body to retain a portion of payment for
141 administrative costs; authorizing collection methods
142 for the commission or the Department of Financial
143 Services for individuals who are no longer public
144 officers or public employees; authorizing the
145 commission to contract with a collection agency;

20132e2

146 authorizing a collection agency to utilize collection
147 methods authorized by law; authorizing the commission
148 to collect an unpaid fine within a specified period of
149 issuance of the final order; amending s. 112.3147,
150 F.S.; providing an exception to the requirement that
151 all forms be prescribed by the commission; amending s.
152 112.3148, F.S.; revising the definition of
153 "procurement employee"; creating a definition for
154 "vendor"; prohibiting a reporting individual or
155 procurement employee from soliciting or knowingly
156 accepting a gift from a vendor; deleting references to
157 committees of continuous existence; creating s.
158 112.31485, F.S.; providing definitions for "gift" and
159 "immediate family"; prohibiting a reporting individual
160 or procurement employee or a member of his or her
161 immediate family from soliciting or knowingly
162 accepting any gift from a political committee;
163 prohibiting a political committee from giving any gift
164 to a reporting individual or procurement employee or a
165 member of his or her immediate family; providing
166 penalties for a violation; requiring that individuals
167 who violate this section be held personally liable;
168 amending s. 112.3149, F.S.; revising the definition of
169 "procurement employee"; defining the term "vendor";
170 prohibiting a reporting individual or procurement
171 employee from knowingly accepting an honorarium from a
172 vendor; prohibiting a vendor from giving an honorarium
173 to a reporting individual or procurement employee;
174 amending s. 112.317, F.S.; making technical changes;

20132e2

175 amending s. 112.3215, F.S.; authorizing the commission
176 to investigate sworn complaints alleging a prohibited
177 expenditure; authorizing the commission to investigate
178 a lobbyist or principal upon a sworn complaint or
179 random audit; authorizing the Governor and Cabinet to
180 assess a fine on a lobbyist or principal under
181 specified conditions; providing a civil penalty;
182 amending s. 112.324, F.S.; authorizing specified
183 parties to submit written referrals of a possible
184 violation of the Code of Ethics for Public Officers
185 and Employees or other possible breaches of the public
186 trust to the Commission on Ethics; establishing
187 procedures for the receipt of written referrals by the
188 commission; extending the period in which the
189 disclosure of the intent to file or the filing of a
190 complaint against a candidate is prohibited; providing
191 exceptions; authorizing the commission to dismiss a
192 complaint of a de minimis violation; providing
193 exceptions; defining a de minimis violation;
194 reenacting s. 120.665, F.S., relating to
195 disqualification of agency personnel, to incorporate
196 the amendments to s. 112.3143, F.S., in a reference
197 thereto; reenacting s. 286.012, F.S., relating to
198 voting requirements at meetings of governmental
199 bodies, to incorporate the amendments made to s.
200 112.3143, F.S., in a reference thereto; reenacting s.
201 287.175, F.S., relating to penalties, to incorporate
202 the amendments made to s. 112.324, F.S., in a
203 reference thereto; amending s. 288.901, F.S.;

20132e2

204 conforming a cross-reference; amending s. 445.007,
205 F.S., and reenacting subsection (1) of that section,
206 relating to regional workforce boards, to incorporate
207 the amendments made to s. 112.3143, F.S., in a
208 reference thereto; conforming cross-references;
209 reenacting s. 627.311(5)(m), F.S., relating to joint
210 underwriters and joint reinsurers, to incorporate the
211 amendments made to s. 112.3143, F.S., in a reference
212 thereto; reenacting s. 627.351(6)(d), F.S., relating
213 to Citizens Property Insurance Corporation, to
214 incorporate the amendments made to s. 112.3143, F.S.;
215 providing an effective date.

216
217 Be It Enacted by the Legislature of the State of Florida:

218
219 Section 1. Subsection (5) and paragraph (b) of subsection
220 (12) of section 112.312, Florida Statutes, are amended to read:
221 112.312 Definitions.—As used in this part and for purposes
222 of the provisions of s. 8, Art. II of the State Constitution,
223 unless the context otherwise requires:

224 (5) "Business entity" means any corporation, partnership,
225 limited partnership, company, limited liability company,
226 proprietorship, firm, enterprise, franchise, association, self-
227 employed individual, or trust, whether fictitiously named or
228 not, doing business in this state.

229 (12)

230 (b) "Gift" does not include:

231 1. Salary, benefits, services, fees, commissions, gifts, or
232 expenses associated primarily with the donee's employment,

20132e2

233 business, or service as an officer or director of a corporation
234 or organization.

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

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

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

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

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

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

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

20132e2

262 Section 2. Section 112.3125, Florida Statutes, is created
263 to read:

264 112.3125 Dual public employment.-

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

269 (2) A public officer may not accept public employment with
270 the state or any of its political subdivisions if the public
271 officer knows, or with the exercise of reasonable care should
272 know, that the position is being offered by the employer for the
273 purpose of gaining influence or other advantage based on the
274 public officer's office or candidacy.

275 (3) Any public employment accepted by a public officer must
276 meet all of the following conditions:

277 (a)1. The position was already in existence or was created
278 by the employer without the knowledge or anticipation of the
279 public officer's interest in such position;

280 2. The position was publicly advertised;

281 3. The public officer was subject to the same application
282 and hiring process as other candidates for the position; and

283 4. The public officer meets or exceeds the required
284 qualifications for the position.

285 (4) A person who was employed by the state or any of its
286 political subdivisions before qualifying as a public officer for
287 his or her current term of office or the next available term of
288 office may continue his or her employment. However, he or she
289 may not accept promotion, advancement, additional compensation,
290 or anything of value that he or she knows, or with the exercise

20132e2

291 of reasonable care should know, is provided or given as a result
292 of his or her election or position, or that is otherwise
293 inconsistent with the promotion, advancement, additional
294 compensation, or anything of value provided or given an employee
295 who is similarly situated.

296 (5) This section may not be interpreted as authorizing
297 employment that is otherwise prohibited by law.

298 Section 3. Paragraph (a) of subsection (9) of section
299 112.313, Florida Statutes, is amended to read:

300 112.313 Standards of conduct for public officers, employees
301 of agencies, and local government attorneys.—

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

304 (a)1. It is the intent of the Legislature to implement by
305 statute the provisions of s. 8(e), Art. II of the State
306 Constitution relating to legislators, statewide elected
307 officers, appointed state officers, and designated public
308 employees.

309 2. As used in this paragraph:

310 a. "Employee" means:

311 (I) Any person employed in the executive or legislative
312 branch of government holding a position in the Senior Management
313 Service as defined in s. 110.402 or any person holding a
314 position in the Selected Exempt Service as defined in s. 110.602
315 or any person having authority over policy or procurement
316 employed by the Department of the Lottery.

317 (II) The Auditor General, the director of the Office of
318 Program Policy Analysis and Government Accountability, the
319 Sergeant at Arms and Secretary of the Senate, and the Sergeant

20132e2

320 at Arms and Clerk of the House of Representatives.

321 (III) The executive director and deputy executive director
322 of the Commission on Ethics.

323 (IV) An executive director, staff director, or deputy staff
324 director of each joint committee, standing committee, or select
325 committee of the Legislature; an executive director, staff
326 director, executive assistant, analyst, or attorney of the
327 Office of the President of the Senate, the Office of the Speaker
328 of the House of Representatives, the Senate Majority Party
329 Office, Senate Minority Party Office, House Majority Party
330 Office, or House Minority Party Office; or any person, hired on
331 a contractual basis, having the power normally conferred upon
332 such persons, by whatever title.

333 (V) The Chancellor and Vice Chancellors of the State
334 University System; the general counsel to the Board of Governors
335 of the State University System; and the president, provost, vice
336 presidents, and deans of each state university.

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

340 b. "Appointed state officer" means any member of an
341 appointive board, commission, committee, council, or authority
342 of the executive or legislative branch of state government whose
343 powers, jurisdiction, and authority are not solely advisory and
344 include the final determination or adjudication of any personal
345 or property rights, duties, or obligations, other than those
346 relative to its internal operations.

347 c. "State agency" means an entity of the legislative,
348 executive, or judicial branch of state government over which the

20132e2

349 Legislature exercises plenary budgetary and statutory control.

350 3.a. No member of the Legislature, appointed state officer,
351 or statewide elected officer shall personally represent another
352 person or entity for compensation before the government body or
353 agency of which the individual was an officer or member for a
354 period of 2 years following vacation of office. No member of the
355 Legislature shall personally represent another person or entity
356 for compensation during his or her term of office before any
357 state agency other than judicial tribunals or in settlement
358 negotiations after the filing of a lawsuit.

359 b. For a period of 2 years following vacation of office, a
360 former member of the Legislature may not act as a lobbyist for
361 compensation before an executive branch agency, agency official,
362 or employee. The terms used in this sub-subparagraph have the
363 same meanings as provided in s. 112.3215.

364 4. An agency employee, including an agency employee who was
365 employed on July 1, 2001, in a Career Service System position
366 that was transferred to the Selected Exempt Service System under
367 chapter 2001-43, Laws of Florida, may not personally represent
368 another person or entity for compensation before the agency with
369 which he or she was employed for a period of 2 years following
370 vacation of position, unless employed by another agency of state
371 government.

372 5. Any person violating this paragraph shall be subject to
373 the penalties provided in s. 112.317 and a civil penalty of an
374 amount equal to the compensation which the person receives for
375 the prohibited conduct.

376 6. This paragraph is not applicable to:

377 a. A person employed by the Legislature or other agency

20132e2

378 prior to July 1, 1989;

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

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

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

388 e. Any appointed state officer whose term of office began
389 before January 1, 1995, unless reappointed to that office on or
390 after January 1, 1995.

391 Section 4. Section 112.3142, Florida Statutes, is created
392 to read:

393 112.3142 Ethics training for specified constitutional
394 officers.—

395 (1) As used in this section, the term "constitutional
396 officers" includes the Governor, the Lieutenant Governor, the
397 Attorney General, the Chief Financial Officer, the Commissioner
398 of Agriculture, state attorneys, public defenders, sheriffs, tax
399 collectors, property appraisers, supervisors of elections,
400 clerks of the circuit court, county commissioners, district
401 school board members, and superintendents of schools.

402 (2) (a) All constitutional officers must complete 4 hours of
403 ethics training annually that addresses, at a minimum, s. 8,
404 Art. II of the State Constitution, the Code of Ethics for Public
405 Officers and Employees, and the public records and public
406 meetings laws of this state. This requirement may be satisfied

20132e2

407 by completion of a continuing legal education class or other
408 continuing professional education class, seminar, or
409 presentation if the required subjects are covered.

410 (b) The commission shall adopt rules establishing minimum
411 course content for the portion of an ethics training class that
412 addresses s. 8, Art. II of the State Constitution and the Code
413 of Ethics for Public Officers and Employees.

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

416 Section 5. Section 112.31425, Florida Statutes, is created
417 to read:

418 112.31425 Qualified blind trusts.—

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

423 (2) If a public officer holds a beneficial interest in a
424 qualified blind trust as described in this section, he or she
425 does not have a conflict of interest prohibited under s.
426 112.313(3) or (7) or a voting conflict of interest under s.
427 112.3143 with regard to matters pertaining to that interest.

428 (3) The public officer may not attempt to influence or
429 exercise any control over decisions regarding the management of
430 assets in a qualified blind trust. The public officer or any
431 person having a beneficial interest in the qualified blind trust
432 may not make any effort to obtain information with respect to
433 the holdings of the trust, including obtaining a copy of any
434 trust tax return filed or any information relating thereto,
435 except as otherwise provided in this section.

20132e2

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

442 (a) A distribution from the trust which does not specify
443 the source or assets within the trust from which the
444 distribution is to be made in cash or in kind;

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

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

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

458 (5) The public officer shall report the beneficial interest
459 in the qualified blind trust and its value as an asset on his or
460 her financial disclosure form, if the value is required to be
461 disclosed. The public officer shall report the blind trust as a
462 primary source of income on his or her financial disclosure
463 forms and its amount, if the amount of income is required to be
464 disclosed. The public officer is not required to report as a

20132e2

465 secondary source of income any source of income to the blind
466 trust.

467 (6) In order to constitute a qualified blind trust, the
468 trust established by the public officer must meet the following
469 requirements:

470 (a) The appointed trustee must be a bank, trust company, or
471 other institutional fiduciary or an individual who is an
472 attorney, certified public accountant, broker, or investment
473 advisor. If the trustee is an individual or if the trustee is a
474 bank, trust company, or other institutional fiduciary, the
475 individual responsible for managing the trust may not be:

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

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

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

485 4. A business associate or principal of the public officer.

486 (b) All assets in the trust must be free of any
487 restrictions with respect to their transfer or sale. The trust
488 may not contain investments or assets the transfer of which by
489 the trustee is improbable or impractical without the public
490 officer's knowledge.

491 (c) The trust agreement must:

492 1. Contain a statement that its purpose is to remove from
493 the grantor control and knowledge of investment of trust assets

20132e2

494 so that conflicts between the grantor's responsibilities as a
495 public officer and his or her private interests are eliminated.

496 2. Give the trustee complete discretion to manage the
497 trust, including, but not limited to, the power to dispose of
498 and acquire trust assets without consulting or notifying the
499 covered public officer or the person having a beneficial
500 interest in the trust.

501 3. Prohibit communication between the trustee and the
502 public officer, or the person who has a beneficial interest in
503 the trust, concerning the holdings or sources of income of the
504 trust, except amounts of cash value or net income or loss, if
505 such report does not identify any asset or holding, or except as
506 provided in this section.

507 4. Provide that the trust tax return is prepared by the
508 trustee or his or her designee and that any information relating
509 thereto is not disclosed to the public officer or to the person
510 who has a beneficial interest, except as provided in this
511 section.

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

517 6. Prohibit the trustee from disclosing to the public
518 officer or the person who has a beneficial interest any
519 information concerning replacement assets to the trust, except
520 for the minimum tax information necessary to enable the public
521 official to complete an individual tax return required by law.

522 (d) Within 5 business days after the agreement is executed,

20132e2

523 the public officer shall file with the commission a notice
524 setting forth:

525 1. The date that the agreement is executed.

526 2. The name and address of the trustee.

527 3. The acknowledgement by the trustee that he or she has
528 agreed to serve as trustee.

529 4. A certification by the trustee on a form prescribed by
530 the commission that the trust meets all of the requirements of
531 this section. In lieu of said certification, the public officer
532 may file a copy of the trust agreement.

533 5. A complete list of assets placed in the trust that the
534 public officer would be required to disclose pursuant to ss.
535 112.3144 or 112.3145.

536 (7) If the trust is revoked while the covered public
537 official is a public officer, or if the covered public official
538 learns of any replacement assets that have been added to the
539 trust, the covered public official shall file an amendment to
540 his or her most recent financial disclosure statement. The
541 amendment shall be filed no later than 60 days after the date of
542 revocation or the addition of the replacement assets. The
543 covered public official shall disclose the previously unreported
544 pro rata share of the trust's interests in investments or income
545 deriving from any such investments. For purposes of this
546 section, any replacement asset that becomes known to the covered
547 public official shall thereafter be treated as though it were an
548 original asset of the trust.

549 Section 6. Subsections (1) and (2) of section 112.3143,
550 Florida Statutes, are amended, current subsection (5) of that
551 section is renumbered as subsection (6), and a new subsection

20132e2

552 (5) is added to that section, to read:

553 112.3143 Voting conflicts.—

554 (1) As used in this section:

555 (a) "Principal by whom retained" means an individual or
556 entity, other than an agency as defined in s. 112.312(2), that
557 for compensation, salary, pay, consideration, or similar thing
558 of value, has permitted or directed another to act for the
559 individual or entity, and includes, but is not limited to, one's
560 client, employer, or the parent, subsidiary, or sibling
561 organization of one's client or employer.

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

565 (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,
566 husband, wife, brother, sister, father-in-law, mother-in-law,
567 son-in-law, or daughter-in-law.

568 (d) "Special private gain or loss" means an economic
569 benefit or harm that would inure to the officer, his or her
570 relative, business associate, or principal, unless the measure
571 affects a class that includes the officer, his or her relative,
572 business associate, or principal, in which case, at least the
573 following factors must be considered when determining whether a
574 special private gain or loss exists:

575 1. The size of the class affected by the vote.

576 2. The nature of the interests involved.

577 3. The degree to which the interests of all members of the
578 class are affected by the vote.

579 4. The degree to which the officer, his or her relative,
580 business associate, or principal receives a greater benefit or

20132e2

581 harm when compared to other members of the class.

582
583 The degree to which there is uncertainty at the time of the vote
584 as to whether there would be any economic benefit or harm to the
585 public officer, his or her relative, business associate, or
586 principal and, if so, the nature or degree of the economic
587 benefit or harm must also be considered.

588 (2) (a) A ~~No~~ state public officer may not vote on any matter
589 that the officer knows would inure to his or her special private
590 gain or loss ~~is prohibited from voting in an official capacity~~
591 ~~on any matter. However,~~ Any state public officer who abstains
592 from voting in an official capacity upon any measure that which
593 the officer knows would inure to the officer's special private
594 gain or loss, or who votes in an official capacity on a measure
595 that; ~~which~~ he or she knows would inure to the special private
596 gain or loss of any principal by whom the officer is retained or
597 to the parent organization or subsidiary of a corporate
598 principal by which the officer is retained other than an agency
599 as defined in s. 112.312(2); or which the officer knows would
600 inure to the special private gain or loss of a relative or
601 business associate of the public officer, shall make every
602 reasonable effort to, ~~within 15 days after the vote occurs,~~
603 disclose the nature of his or her interest as a public record in
604 a memorandum filed with the person responsible for recording the
605 minutes of the meeting, who shall incorporate the memorandum in
606 the minutes. If it is not possible for the state public officer
607 to file a memorandum before the vote, the memorandum must be
608 filed with the person responsible for recording the minutes of
609 the meeting no later than 15 days after the vote.

20132e2

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

614 (5) If disclosure of specific information would violate
615 confidentiality or privilege pursuant to law or rules governing
616 attorneys, a public officer, who is also an attorney, may comply
617 with the disclosure requirements of this section by disclosing
618 the nature of the interest in such a way as to provide the
619 public with notice of the conflict.

620 Section 7. Subsection (2) of section 112.3144, Florida
621 Statutes, is amended, present subsection (7) is renumbered as
622 subsection (9), and new subsections (7) and (8) are added to
623 that section, to read:

624 112.3144 Full and public disclosure of financial
625 interests.—

626 (2) A person who is required, pursuant to s. 8, Art. II of
627 the State Constitution, to file a full and public disclosure of
628 financial interests and who has filed a full and public
629 disclosure of financial interests for any calendar or fiscal
630 year shall not be required to file a statement of financial
631 interests pursuant to s. 112.3145(2) and (3) for the same year
632 or for any part thereof notwithstanding any requirement of this
633 part. When a candidate has qualified for office, the qualifying
634 officer shall forward an electronic copy of the full and public
635 disclosure of financial interests to the commission no later
636 than July 1. The electronic copy of the full and public
637 disclosure of financial interests satisfies the annual
638 disclosure requirement of this section. A candidate who does not

20132e2

639 qualify until after the annual full and public disclosure has
640 been filed pursuant to this section, ~~except that a candidate for~~
641 ~~office~~ shall file a copy of his or her disclosure with the
642 officer before whom he or she qualifies.

643 (7) (a) The commission shall treat an amended full and
644 public disclosure of financial interests that is filed prior to
645 September 1 of the current year as the original filing,
646 regardless of whether a complaint has been filed. If a complaint
647 pertaining to the current year alleges a failure to properly and
648 accurately disclose any information required by this section or
649 if a complaint filed pertaining to a previous reporting period
650 within the preceding 5 years alleges a failure to properly and
651 accurately disclose any information required to be disclosed by
652 this section, the commission may immediately follow complaint
653 procedures in s. 112.324. However, if a complaint filed after
654 August 25 alleges an immaterial, inconsequential, or de minimis
655 error or omission, the commission may not take any action on the
656 complaint, other than notifying the filer of the complaint. The
657 filer must be given 30 days to file an amended full and public
658 disclosure of financial interests correcting any errors. If the
659 filer does not file an amended full and public disclosure of
660 financial interests within 30 days after the commission sends
661 notice of the complaint, the commission may continue with
662 proceedings pursuant to s. 112.324.

663 (b) For purposes of the final full and public disclosure of
664 financial interests, the commission shall treat a new final full
665 and public disclosure of financial interests as the original
666 filing if filed within 60 days after the original filing,
667 regardless of whether a complaint has been filed. If, more than

20132e2

668 60 days after a final full and public disclosure of financial
669 interests is filed, a complaint is filed alleging a complete
670 omission of any information required to be disclosed by this
671 section, the commission may immediately follow the complaint
672 procedures in s. 112.324. However, if the complaint alleges an
673 immaterial, inconsequential, or de minimis error or omission,
674 the commission may not take any action on the complaint, other
675 than notifying the filer of the complaint. The filer must be
676 given 30 days to file a new final full and public disclosure of
677 financial interests correcting any errors. If the filer does not
678 file a new final full and public disclosure of financial
679 interests within 30 days after the commission sends notice of
680 the complaint, the commission may continue with proceedings
681 pursuant to s. 112.324.

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

686 (8) (a) An individual required to file a disclosure pursuant
687 to this section may have the disclosure prepared by an attorney
688 in good standing with The Florida Bar or by a certified public
689 accountant licensed under chapter 473. After preparing a
690 disclosure form, the attorney or certified public accountant
691 must sign the form indicating that he or she prepared the form
692 in accordance with this section and the instructions for
693 completing and filing the disclosure forms and that, upon his or
694 her reasonable knowledge and belief, the disclosure is true and
695 correct. If a complaint is filed alleging a failure to disclose
696 information required by this section, the commission shall

20132e2

697 determine whether the information was disclosed to the attorney
698 or certified public accountant. The failure of the attorney or
699 certified public accountant to accurately transcribe information
700 provided by the individual required to file is not a violation
701 of this section.

702 (b) An elected officer or candidate who chooses to use an
703 attorney or a certified public accountant to prepare his or her
704 disclosure may pay for the services of the attorney or certified
705 public accountant from funds in an office account created
706 pursuant to s. 106.141 or, during a year that the individual
707 qualifies for election to public office, the candidate's
708 campaign depository pursuant to s. 106.021.

709 Section 8. Section 112.31445, Florida Statutes, is created
710 to read:

711 112.31445 Electronic filing system; full and public
712 disclosure of financial interests.—

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

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

722 (3) By December 1, 2015, the commission shall submit a
723 proposal to the President of the Senate and the Speaker of the
724 House of Representatives for a mandatory electronic filing
725 system. The proposal must, at a minimum:

20132e2

726 (a) Provide for access through the Internet.

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

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

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

735 (e) Provide a method for an attorney or certified public
736 accountant licensed in this state to sign the disclosure form to
737 indicate that he or she prepared the form in accordance with s.
738 112.3144 and the instructions for completing and filing the
739 disclosure form and that, upon his or her reasonable knowledge
740 and belief, the form is true and correct.

741 (f) Address whether additional statutory or rulemaking
742 authority is necessary for implementation of the system, and
743 must include, at a minimum, the following elements: alternate
744 filing procedures to be used in the event that the commission's
745 electronic filing system is inoperable, issuance of an
746 electronic receipt via electronic mail indicating and verifying
747 to the individual who submitted the full and public disclosure
748 of financial interests form that the form has been filed, and a
749 determination of the feasibility and necessity of including
750 statements of financial interests filed pursuant to s. 112.3145
751 in the proposed system.

752 Section 9. Paragraphs (a) and (b) of subsection (1),
753 paragraph (a) of subsection (2), and subsection (3) of section
754 112.3145, Florida Statutes, are amended, present subsection (9)

20132e2

755 of that section is renumbered as subsection (11), and new
756 subsections (9) and (10) are added to that section, to read:

757 112.3145 Disclosure of financial interests and clients
758 represented before agencies.—

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

761 (a) "Local officer" means:

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

765 2. Any appointed member of any of the following boards,
766 councils, commissions, authorities, or other bodies of any
767 county, municipality, school district, independent special
768 district, or other political subdivision of the state:

769 a. The governing body of the political subdivision, if
770 appointed;

771 ~~b. An expressway authority or transportation authority~~
772 ~~established by general law;~~

773 ~~b.e.~~ A community college or junior college district board
774 of trustees;

775 ~~c.d.~~ A board having the power to enforce local code
776 provisions;

777 ~~d.e.~~ A planning or zoning board, board of adjustment, board
778 of appeals, community redevelopment agency board, or other board
779 having the power to recommend, create, or modify land planning
780 or zoning within the political subdivision, except for citizen
781 advisory committees, technical coordinating committees, and such
782 other groups who only have the power to make recommendations to
783 planning or zoning boards;

20132e2

784 ~~e.f.~~ A pension board or retirement board having the power
785 to invest pension or retirement funds or the power to make a
786 binding determination of one's entitlement to or amount of a
787 pension or other retirement benefit; or

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

792 3. Any person holding one or more of the following
793 positions: mayor; county or city manager; chief administrative
794 employee of a county, municipality, or other political
795 subdivision; county or municipal attorney; finance director of a
796 county, municipality, or other political subdivision; chief
797 county or municipal building code inspector; county or municipal
798 water resources coordinator; county or municipal pollution
799 control director; county or municipal environmental control
800 director; county or municipal administrator, with power to grant
801 or deny a land development permit; chief of police; fire chief;
802 municipal clerk; district school superintendent; community
803 college president; district medical examiner; or purchasing
804 agent having the authority to make any purchase exceeding the
805 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
806 behalf of any political subdivision of the state or any entity
807 thereof.

808 (b) "Specified state employee" means:

809 1. Public counsel created by chapter 350, an assistant
810 state attorney, an assistant public defender, a criminal
811 conflict and civil regional counsel, an assistant criminal
812 conflict and civil regional counsel, a full-time state employee

20132e2

813 who serves as counsel or assistant counsel to any state agency,
814 the Deputy Chief Judge of Compensation Claims, a judge of
815 compensation claims, an administrative law judge, or a hearing
816 officer.

817 2. Any person employed in the office of the Governor or in
818 the office of any member of the Cabinet if that person is exempt
819 from the Career Service System, except persons employed in
820 clerical, secretarial, or similar positions.

821 3. The State Surgeon General or each appointed secretary,
822 assistant secretary, deputy secretary, executive director,
823 assistant executive director, or deputy executive director of
824 each state department, commission, board, or council; unless
825 otherwise provided, the division director, assistant division
826 director, deputy director, bureau chief, and assistant bureau
827 chief of any state department or division; or any person having
828 the power normally conferred upon such persons, by whatever
829 title.

830 4. The superintendent or institute director of a state
831 mental health institute established for training and research in
832 the mental health field or the warden or director of any major
833 state institution or facility established for corrections,
834 training, treatment, or rehabilitation.

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

839 6. Any person, other than a legislative assistant exempted
840 by the presiding officer of the house by which the legislative
841 assistant is employed, who is employed in the legislative branch

20132e2

842 of government, except persons employed in maintenance, clerical,
843 secretarial, or similar positions.

844 7. Each employee of the Commission on Ethics.

845 (2) (a) A person seeking nomination or election to a state
846 or local elective office shall file a statement of financial
847 interests together with, and at the same time he or she files,
848 qualifying papers. When a candidate has qualified for office
849 prior to the deadline to file an annual statement of financial
850 interests, the statement of financial interests that is filed
851 with the candidate's qualifying papers shall be deemed to
852 satisfy the annual disclosure requirement of this section. The
853 qualifying officer must record that the statement of financial
854 interests was timely filed. However, if a candidate does not
855 qualify until after the annual statement of financial interests
856 has been filed, the candidate may file a copy of his or her
857 statement with the qualifying officer.

858 (3) The statement of financial interests for state
859 officers, specified state employees, local officers, and persons
860 seeking to qualify as candidates for state or local office shall
861 be filed even if the reporting person holds no financial
862 interests requiring disclosure, in which case the statement
863 shall be marked "not applicable." Otherwise, the statement of
864 financial interests shall include, at the filer's option,
865 either:

866 (a)1. All sources of income in excess of 5 percent of the
867 gross income received during the disclosure period by the person
868 in his or her own name or by any other person for his or her use
869 or benefit, excluding public salary. However, this shall not be
870 construed to require disclosure of a business partner's sources

20132e2

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 an amount which was in excess of 10 percent of his
877 or her gross income during the disclosure period and which
878 exceeds \$1,500. The period for computing the gross income of the
879 business entity is the fiscal year of the business entity which
880 ended on, or immediately prior to, the end of the disclosure
881 period of the person reporting;

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

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

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

899 2. All sources of income to a business entity in excess of

20132e2

900 10 percent of the gross income of a business entity in which the
901 reporting person held a material interest and from which he or
902 she received gross income exceeding \$5,000 during the disclosure
903 period. The period for computing the gross income of the
904 business entity is the fiscal year of the business entity which
905 ended on, or immediately prior to, the end of the disclosure
906 period of the person reporting;

907 3. The location or description of real property in this
908 state, except for residence and vacation homes, owned directly
909 or indirectly by the person reporting, when such person owns in
910 excess of 5 percent of the value of such real property, and a
911 general description of any intangible personal property worth in
912 excess of \$10,000. For the purpose of this paragraph, indirect
913 ownership does not include ownership by a spouse or minor child;
914 and

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

916
917 A person filing a statement of financial interests shall
918 indicate on the statement whether he or she is using the method
919 specified in paragraph (a) or paragraph (b) of this subsection.

920 (9) (a) The commission shall treat an amended statement of
921 financial interests that is filed prior to September 1 of the
922 current year as the original filing, regardless of whether a
923 complaint has been filed. If a complaint pertaining to the
924 current year alleges a failure to properly and accurately
925 disclose any information required by this section or if a
926 complaint filed pertaining to a previous reporting period within
927 the preceding 5 years alleges a failure to properly and
928 accurately disclose any information required to be disclosed by

20132e2

929 this section, the commission may immediately follow complaint
930 procedures in s. 112.324. However, if a complaint filed after
931 August 25 alleges an immaterial, inconsequential, or de minimis
932 error or omission, the commission may not take any action on the
933 complaint, other than notifying the filer of the complaint. The
934 filer must be given 30 days to file an amended statement of
935 financial interests correcting any errors. If the filer does not
936 file an amended statement of financial interests within 30 days
937 after the commission sends notice of the complaint, the
938 commission may continue with proceedings pursuant to s. 112.324.

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

956 (c) For purposes of this section, an error or omission is
957 immaterial, inconsequential, or de minimis if the original

20132e2

958 filing provided sufficient information for the public to
959 identify potential conflicts of interest.

960 (10) (a) An individual required to file a disclosure
961 pursuant to this section may have the disclosure prepared by an
962 attorney in good standing with The Florida Bar or by a certified
963 public accountant licensed under chapter 473. After preparing a
964 disclosure form, the attorney or certified public accountant
965 must sign the form indicating that he or she prepared the form
966 in accordance with this section and the instructions for
967 completing and filing the disclosure forms and that, upon his or
968 her reasonable knowledge and belief, the disclosure is true and
969 correct. If a complaint is filed alleging a failure to disclose
970 information required by this section, the commission shall
971 determine whether the information was disclosed to the attorney
972 or certified public accountant. The failure of the attorney or
973 certified public accountant to accurately transcribe information
974 provided by the individual who is required to file the
975 disclosure does not constitute a violation of this section.

976 (b) An elected officer or candidate who chooses to use an
977 attorney or a certified public accountant to prepare his or her
978 disclosure may pay for the services of the attorney or certified
979 public accountant from funds in an office account created
980 pursuant to s. 106.141 or, during a year that the individual
981 qualifies for election to public office, the candidate's
982 campaign depository pursuant to s. 106.021.

983 Section 10. Section 112.31455, Florida Statutes, is created
984 to read:

985 112.31455 Collection methods for unpaid automatic fines for
986 failure to timely file disclosure of financial interests.-

20132e2

987 (1) Before referring any unpaid fine accrued pursuant to s.
988 112.3144(5) or s. 112.3145(6) to the Department of Financial
989 Services, the commission shall attempt to determine whether the
990 individual owing such a fine is a current public officer or
991 current public employee. If so, the commission may notify the
992 Chief Financial Officer or the governing body of the appropriate
993 county, municipality, or special district of the total amount of
994 any fine owed to the commission by such individual.

995 (a) After receipt and verification of the notice from the
996 commission, the Chief Financial Officer or the governing body of
997 the county, municipality, or special district shall begin
998 withholding the lesser of 10 percent or the maximum amount
999 allowed under federal law from any salary-related payment. The
1000 withheld payments shall be remitted to the commission until the
1001 fine is satisfied.

1002 (b) The Chief Financial Officer or the governing body of
1003 the county, municipality, or special district may retain an
1004 amount of each withheld payment, as provided in s. 77.0305, to
1005 cover the administrative costs incurred under this section.

1006 (2) If the commission determines that the individual who is
1007 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
1008 or s. 112.3145(6) is no longer a public officer or public
1009 employee or if the commission is unable to determine whether the
1010 individual is a current public officer or public employee, the
1011 commission may, 6 months after the order becomes final, seek
1012 garnishment of any wages to satisfy the amount of the fine, or
1013 any unpaid portion thereof, pursuant to chapter 77. Upon
1014 recording the order imposing the fine with the clerk of the
1015 circuit court, the order shall be deemed a judgment for purposes

20132e2

1016 of garnishment pursuant to chapter 77.

1017 (3) The commission may refer unpaid fines to the
1018 appropriate collection agency, as directed by the Chief
1019 Financial Officer, to utilize any collection methods provided by
1020 law. Except as expressly limited by this section, any other
1021 collection methods authorized by law are allowed.

1022 (4) Action may be taken to collect any unpaid fine imposed
1023 by ss. 112.3144 and 112.3145 within 20 years after the date the
1024 final order is rendered.

1025 Section 11. Section 112.3147, Florida Statutes, is amended
1026 to read:

1027 112.3147 Forms.—Except as otherwise provided, all
1028 information required to be furnished by ss. 112.313, 112.3143,
1029 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
1030 of the State Constitution shall be on forms prescribed by the
1031 Commission on Ethics.

1032 Section 12. Paragraph (e) of subsection (2) of section
1033 112.3148, Florida Statutes, is amended and paragraph (f) is
1034 added to that subsection, and subsections (3) through (5) of
1035 that section are amended, to read:

1036 112.3148 Reporting and prohibited receipt of gifts by
1037 individuals filing full or limited public disclosure of
1038 financial interests and by procurement employees.—

1039 (2) As used in this section:

1040 (e) "Procurement employee" means any employee of an
1041 officer, department, board, commission, ~~or~~ council, or agency of
1042 the executive branch or judicial branch of state government who
1043 has participated in the preceding 12 months ~~participates~~ through
1044 decision, approval, disapproval, recommendation, preparation of

20132e2

1045 any part of a purchase request, influencing the content of any
1046 specification or procurement standard, rendering of advice,
1047 investigation, or auditing or in any other advisory capacity in
1048 the procurement of contractual services or commodities as
1049 defined in s. 287.012, if the cost of such services or
1050 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
1051 any fiscal year.

1052 (f) "Vendor" means a business entity doing business
1053 directly with an agency, such as renting, leasing, or selling
1054 any realty, goods, or services.

1055 (3) A reporting individual or procurement employee is
1056 prohibited from soliciting any gift from a vendor doing business
1057 with the reporting individual's or procurement employee's
1058 agency, a political committee ~~or committee of continuous~~
1059 ~~existence~~, as defined in s. 106.011, or ~~from~~ a lobbyist who
1060 lobbies the reporting individual's or procurement employee's
1061 agency, or the partner, firm, employer, or principal of such
1062 lobbyist, where such gift is for the personal benefit of the
1063 reporting individual or procurement employee, another reporting
1064 individual or procurement employee, or any member of the
1065 immediate family of a reporting individual or procurement
1066 employee.

1067 (4) A reporting individual or procurement employee or any
1068 other person on his or her behalf is prohibited from knowingly
1069 accepting, directly or indirectly, a gift from a vendor doing
1070 business with the reporting individual's or procurement
1071 employee's agency, a political committee ~~or committee of~~
1072 ~~continuous existence~~, as defined in s. 106.011, or ~~from~~ a
1073 lobbyist who lobbies the reporting individual's or procurement

20132e2

1074 employee's agency, or directly or indirectly on behalf of the
1075 partner, firm, employer, or principal of a lobbyist, if he or
1076 she knows or reasonably believes that the gift has a value in
1077 excess of \$100; however, such a gift may be accepted by such
1078 person on behalf of a governmental entity or a charitable
1079 organization. If the gift is accepted on behalf of a
1080 governmental entity or charitable organization, the person
1081 receiving the gift shall not maintain custody of the gift for
1082 any period of time beyond that reasonably necessary to arrange
1083 for the transfer of custody and ownership of the gift.

1084 (5) (a) A vendor doing business with the reporting
1085 individual's or procurement employee's agency; a political
1086 ~~committee or a committee of continuous existence,~~ as defined in
1087 s. 106.011; a lobbyist who lobbies a reporting individual's or
1088 procurement employee's agency; the partner, firm, employer, or
1089 principal of a lobbyist; or another on behalf of the lobbyist or
1090 partner, firm, principal, or employer of the lobbyist is
1091 prohibited from giving, either directly or indirectly, a gift
1092 that has a value in excess of \$100 to the reporting individual
1093 or procurement employee or any other person on his or her
1094 behalf; however, such person may give a gift having a value in
1095 excess of \$100 to a reporting individual or procurement employee
1096 if the gift is intended to be transferred to a governmental
1097 entity or a charitable organization.

1098 (b) However, a person who is regulated by this subsection,
1099 who is not regulated by subsection (6), and who makes, or
1100 directs another to make, an individual gift having a value in
1101 excess of \$25, but not in excess of \$100, other than a gift that
1102 the donor knows will be accepted on behalf of a governmental

20132e2

1103 entity or charitable organization, must file a report on the
1104 last day of each calendar quarter for the previous calendar
1105 quarter in which a reportable gift is made. The report shall be
1106 filed with the Commission on Ethics, except with respect to
1107 gifts to reporting individuals of the legislative branch, in
1108 which case the report shall be filed with the Office of
1109 Legislative Services. The report must contain a description of
1110 each gift, the monetary value thereof, the name and address of
1111 the person making such gift, the name and address of the
1112 recipient of the gift, and the date such gift is given. In
1113 addition, if a gift is made which requires the filing of a
1114 report under this subsection, the donor must notify the intended
1115 recipient at the time the gift is made that the donor, or
1116 another on his or her behalf, will report the gift under this
1117 subsection. Under this paragraph, a gift need not be reported by
1118 more than one person or entity.

1119 Section 13. Section 112.31485, Florida Statutes, is created
1120 to read:

1121 112.31485 Prohibition on gifts involving political
1122 committees.-

1123 (1) (a) For purposes of this section, the term "gift" means
1124 any purchase, payment, distribution, loan, advance, transfer of
1125 funds, or disbursement of money or anything of value that is not
1126 primarily related to contributions, expenditures, or other
1127 political activities authorized pursuant to chapter 106.

1128 (b) For purposes of this section, the term "immediate
1129 family" means any parent, spouse, child, or sibling.

1130 (2) (a) A reporting individual or procurement employee or a
1131 member of his or her immediate family is prohibited from

20132e2

1132 soliciting or knowingly accepting, directly or indirectly, any
1133 gift from a political committee.

1134 (b) A political committee is prohibited from giving,
1135 directly or indirectly, any gift to a reporting individual or
1136 procurement employee or a member of his or her immediate family.

1137 (3) Any person who violates this section is subject to a
1138 civil penalty equal to three times the amount of the gift. Such
1139 penalty is in addition to the penalties provided in s. 112.317
1140 and shall be paid to the General Revenue Fund of the state. A
1141 reporting individual or procurement employee or a member of his
1142 or her immediate family who violates this section is personally
1143 liable for payment of the treble penalty. Any agent or person
1144 acting on behalf of a political committee who gives a prohibited
1145 gift is personally liable for payment of the treble penalty.

1146 Section 14. Paragraph (e) of subsection (1) of section
1147 112.3149, Florida Statutes, is amended, and paragraph (f) is
1148 added to that subsection, and subsections (3) and (4) of that
1149 section are amended, to read:

1150 112.3149 Solicitation and disclosure of honoraria.—

1151 (1) As used in this section:

1152 (e) "Procurement employee" means any employee of an
1153 officer, department, board, commission, ~~or~~ council, or agency of
1154 the executive branch or judicial branch of state government who
1155 has participated in the preceding 12 months ~~participates~~ through
1156 decision, approval, disapproval, recommendation, preparation of
1157 any part of a purchase request, influencing the content of any
1158 specification or procurement standard, rendering of advice,
1159 investigation, or auditing or in any other advisory capacity in
1160 the procurement of contractual services or commodities as

20132e2

1161 defined in s. 287.012, if the cost of such services or
1162 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1163 (f) "Vendor" means a business entity doing business
1164 directly with an agency, such as renting, leasing, or selling
1165 any realty, goods, or services.

1166 (3) A reporting individual or procurement employee is
1167 prohibited from knowingly accepting an honorarium from a
1168 political committee ~~or committee of continuous existence~~, as
1169 defined in s. 106.011, from a vendor doing business with the
1170 reporting individual's or procurement employee's agency, from a
1171 lobbyist who lobbies the reporting individual's or procurement
1172 employee's agency, or from the employer, principal, partner, or
1173 firm of such a lobbyist.

1174 (4) A political committee ~~or committee of continuous~~
1175 ~~existence~~, as defined in s. 106.011, a vendor doing business
1176 with the reporting individual's or procurement employee's
1177 agency, a lobbyist who lobbies a reporting individual's or
1178 procurement employee's agency, or the employer, principal,
1179 partner, or firm of such a lobbyist is prohibited from giving an
1180 honorarium to a reporting individual or procurement employee.

1181 Section 15. Section 112.317, Florida Statutes, is amended
1182 to read:

1183 112.317 Penalties.—

1184 (1) Any violation of ~~any provision of~~ this part, including,
1185 but not limited to, ~~any~~ failure to file ~~any~~ disclosures required
1186 by this part or violation of any standard of conduct imposed by
1187 this part, or any violation of ~~any provision of~~ s. 8, Art. II of
1188 the State Constitution, in addition to any criminal penalty or
1189 other civil penalty involved, ~~shall~~, under applicable

20132e2

1190 constitutional and statutory procedures, constitutes ~~constitute~~
1191 grounds for, and may be punished by, one or more of the
1192 following:

1193 (a) In the case of a public officer:

1194 1. Impeachment.

1195 2. Removal from office.

1196 3. Suspension from office.

1197 4. Public censure and reprimand.

1198 5. Forfeiture of no more than one-third of his or her
1199 salary per month for no more than 12 months.

1200 6. A civil penalty not to exceed \$10,000.

1201 7. Restitution of any pecuniary benefits received because
1202 of the violation committed. The commission may recommend that
1203 the restitution penalty be paid to the agency of which the
1204 public officer was a member or to the General Revenue Fund.

1205 (b) In the case of an employee or a person designated as a
1206 public officer by this part who otherwise would be deemed to be
1207 an employee:

1208 1. Dismissal from employment.

1209 2. Suspension from employment for not more than 90 days
1210 without pay.

1211 3. Demotion.

1212 4. Reduction in his or her salary level.

1213 5. Forfeiture of no more than one-third salary per month
1214 for no more than 12 months.

1215 6. A civil penalty not to exceed \$10,000.

1216 7. Restitution of any pecuniary benefits received because
1217 of the violation committed. The commission may recommend that
1218 the restitution penalty be paid to the agency by which the

20132e2

1219 public employee was employed, or of which the officer was deemed
1220 to be an employee, or to the General Revenue Fund.

1221 8. Public censure and reprimand.

1222 (c) In the case of a candidate who violates ~~the provisions~~
1223 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
1224 Constitution:

1225 1. Disqualification from being on the ballot.

1226 2. Public censure.

1227 3. Reprimand.

1228 4. A civil penalty not to exceed \$10,000.

1229 (d) In the case of a former public officer or employee who
1230 has violated a provision applicable to former officers or
1231 employees or whose violation occurred before the officer's or
1232 employee's leaving public office or employment:

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 public
1238 officer or employee or to the General Revenue Fund.

1239 (e) In the case of a person who is subject to the standards
1240 of this part, other than a lobbyist or lobbying firm under s.
1241 112.3215 for a violation of s. 112.3215, but who is not a public
1242 officer or employee:

1243 1. Public censure and reprimand.

1244 2. A civil penalty not to exceed \$10,000.

1245 3. Restitution of any pecuniary benefits received because
1246 of the violation committed. The commission may recommend that
1247 the restitution penalty be paid to the agency of the person or

20132e2

1248 to the General Revenue Fund.

1249 (2) In any case in which the commission finds a violation
1250 of this part or of s. 8, Art. II of the State Constitution and
1251 the proper disciplinary official or body under s. 112.324
1252 imposes a civil penalty or restitution penalty, the Attorney
1253 General shall bring a civil action to recover such penalty. No
1254 defense may be raised in the civil action to enforce the civil
1255 penalty or order of restitution that could have been raised by
1256 judicial review of the administrative findings and
1257 recommendations of the commission by certiorari to the district
1258 court of appeal. The Attorney General shall collect any costs,
1259 attorney's fees, expert witness fees, or other costs of
1260 collection incurred in bringing the action.

1261 (3) The penalties prescribed in this part shall not be
1262 construed to limit or to conflict with:

1263 (a) The power of either house of the Legislature to
1264 discipline its own members or impeach a public officer.

1265 (b) The power of agencies to discipline officers or
1266 employees.

1267 (4) Any violation of this part or of s. 8, Art. II of the
1268 State Constitution by a public officer constitutes ~~shall~~
1269 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1270 office within the meaning of s. 7, Art. IV of the State
1271 Constitution.

1272 (5) By order of the Governor, upon recommendation of the
1273 commission, any elected municipal officer who violates ~~any~~
1274 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1275 Constitution may be suspended from office and the office filled
1276 by appointment for the period of suspension. The suspended

20132e2

1277 officer may at any time before removal be reinstated by the
1278 Governor. The Senate may, in proceedings prescribed by law,
1279 remove from office, or reinstate, the suspended official, and
1280 for such purpose the Senate may be convened in special session
1281 by its President or by a majority of its membership.

1282 (6) In any case in which the commission finds probable
1283 cause to believe that a complainant has committed perjury in
1284 regard to any document filed with, or any testimony given
1285 before, the commission, it shall refer such evidence to the
1286 appropriate law enforcement agency for prosecution and taxation
1287 of costs.

1288 (7) In any case in which the commission determines that a
1289 person has filed a complaint against a public officer or
1290 employee with a malicious intent to injure the reputation of
1291 such officer or employee by filing the complaint with knowledge
1292 that the complaint contains one or more false allegations or
1293 with reckless disregard for whether the complaint contains false
1294 allegations of fact material to a violation of this part, the
1295 complainant shall be liable for costs plus reasonable attorney
1296 ~~attorney's~~ fees incurred in the defense of the person complained
1297 against, including the costs and reasonable attorney ~~attorney's~~
1298 fees incurred in proving entitlement to and the amount of costs
1299 and fees. If the complainant fails to pay such costs and fees
1300 voluntarily within 30 days following such finding by the
1301 commission, the commission shall forward such information to the
1302 Department of Legal Affairs, which shall bring a civil action in
1303 a court of competent jurisdiction to recover the amount of such
1304 costs and fees awarded by the commission.

1305 Section 16. Paragraphs (a) and (c) of subsection (8) and

20132e2

1306 subsection (10) of section 112.3215, Florida Statutes, are
1307 amended, present subsections (11) through (14) are renumbered as
1308 (12) through (15), respectively, and a new subsection (11) is
1309 added to that section to read:

1310 112.3215 Lobbying before the executive branch or the
1311 Constitution Revision Commission; registration and reporting;
1312 investigation by commission.—

1313 (8) (a) The commission shall investigate every sworn
1314 complaint that is filed with it alleging that a person covered
1315 by this section has failed to register, has failed to submit a
1316 compensation report, has made a prohibited expenditure, or has
1317 knowingly submitted false information in any report or
1318 registration required in this section.

1319 (c) The commission shall investigate any lobbying firm,
1320 lobbyist, principal, agency, officer, or employee upon receipt
1321 of information from a sworn complaint or from a random audit of
1322 lobbying reports indicating a possible violation other than a
1323 late-filed report.

1324 (10) If the Governor and Cabinet finds that a violation
1325 occurred, it may reprimand the violator, censure the violator,
1326 or prohibit the violator from lobbying all agencies for a period
1327 not to exceed 2 years. If the violator is a lobbying firm,
1328 lobbyist, or principal, the Governor and Cabinet may also assess
1329 a fine of not more than \$5,000 to be deposited in the Executive
1330 Branch Lobby Registration Trust Fund.

1331 (11) Any person who is required to be registered or to
1332 provide information under this section or under rules adopted
1333 pursuant to this section and who knowingly fails to disclose any
1334 material fact that is required by this section or by rules

20132e2

1335 adopted pursuant to this section, or who knowingly provides
1336 false information on any report required by this section or by
1337 rules adopted pursuant to this section, commits a noncriminal
1338 infraction, punishable by a fine not to exceed \$5,000. Such
1339 penalty is in addition to any other penalty assessed by the
1340 Governor and Cabinet pursuant to subsection (10).

1341 Section 17. Section 112.324, Florida Statutes, is amended
1342 to read:

1343 112.324 Procedures on complaints of violations and
1344 referrals; public records and meeting exemptions.—

1345 ~~(1) Upon a written complaint executed on a form prescribed~~
1346 ~~by the commission and signed under oath or affirmation by any~~
1347 ~~person,~~ The commission shall investigate an ~~any~~ alleged
1348 violation of this part or ~~any~~ other alleged breach of the public
1349 trust within the jurisdiction of the commission as provided in
1350 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
1351 ~~procedures set forth herein.~~

1352 (a) Upon a written complaint executed on a form prescribed
1353 by the commission and signed under oath of affirmation by any
1354 person; or

1355 (b) Upon receipt of a written referral of a possible
1356 violation of this part or other possible breach of the public
1357 trust from the Governor, the Department of Law Enforcement, a
1358 state attorney, or a United States Attorney which at least six
1359 members of the commission determine is sufficient to indicate a
1360 violation of this part or any other breach of the public trust.

1361
1362 Within 5 days after receipt of a complaint by the commission or
1363 a determination by at least six members of the commission that

20132e2

1364 the referral received is deemed sufficient, a copy shall be
1365 transmitted to the alleged violator.

1366 (2) (a) The complaint and records relating to the complaint
1367 or to any preliminary investigation held by the commission or
1368 its agents, by a Commission on Ethics and Public Trust
1369 established by any county defined in s. 125.011(1) or by any
1370 municipality defined in s. 165.031, or by any county or
1371 municipality that has established a local investigatory process
1372 to enforce more stringent standards of conduct and disclosure
1373 requirements as provided in s. 112.326 are confidential and
1374 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1375 of the State Constitution.

1376 (b) Any proceeding conducted by the commission, a
1377 Commission on Ethics and Public Trust, or a county or
1378 municipality that has established such local investigatory
1379 process, pursuant to a complaint or preliminary investigation,
1380 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1381 the State Constitution, and s. 120.525.

1382 (c) The exemptions in paragraphs (a) and (b) apply until
1383 the complaint is dismissed as legally insufficient, until the
1384 alleged violator requests in writing that such records and
1385 proceedings be made public, or until the commission, a
1386 Commission on Ethics and Public Trust, or a county or
1387 municipality that has established such local investigatory
1388 process determines, based on such investigation, whether
1389 probable cause exists to believe that a violation has occurred.
1390 ~~In no event shall~~ A complaint or referral under this part
1391 against a candidate in any general, special, or primary election
1392 may not be filed nor may ~~or~~ any intention of filing such a

20132e2

1393 complaint or referral be disclosed on the day of any such
1394 election or within the 30 ~~5~~ days immediately preceding the date
1395 of the election, unless the complaint or referral is based upon
1396 personal information or information other than hearsay.

1397 (d) This subsection is subject to the Open Government
1398 Sunset Review Act in accordance with s. 119.15 and shall stand
1399 repealed on October 2, 2015, unless reviewed and saved from
1400 repeal through reenactment by the Legislature.

1401 (3) A preliminary investigation shall be undertaken by the
1402 commission of each legally sufficient complaint or referral over
1403 which the commission has jurisdiction to determine whether there
1404 is probable cause to believe that a violation has occurred. If,
1405 upon completion of the preliminary investigation, the commission
1406 finds no probable cause to believe that this part has been
1407 violated or that any other breach of the public trust has been
1408 committed, the commission shall dismiss the complaint or
1409 referral with the issuance of a public report to the complainant
1410 and the alleged violator, stating with particularity its reasons
1411 for dismissal ~~of the complaint~~. At that time, the complaint or
1412 referral and all materials relating to the complaint or referral
1413 shall become a matter of public record. If the commission finds
1414 from the preliminary investigation probable cause to believe
1415 that this part has been violated or that any other breach of the
1416 public trust has been committed, it shall so notify the
1417 complainant and the alleged violator in writing. Such
1418 notification and all documents made or received in the
1419 disposition of the complaint or referral shall then become
1420 public records. Upon request submitted to the commission in
1421 writing, any person who the commission finds probable cause to

20132e2

1422 believe has violated any provision of this part or has committed
1423 any other breach of the public trust shall be entitled to a
1424 public hearing. Such person shall be deemed to have waived the
1425 right to a public hearing if the request is not received within
1426 14 days following the mailing of the probable cause notification
1427 required by this subsection. However, the commission may on its
1428 own motion, require a public hearing, may conduct such further
1429 investigation as it deems necessary, and may enter into such
1430 stipulations and settlements as it finds to be just and in the
1431 best interest of the state. The commission is without
1432 jurisdiction to, and no respondent may voluntarily or
1433 involuntarily, enter into a stipulation or settlement which
1434 imposes any penalty, including, but not limited to, a sanction
1435 or admonition or any other penalty contained in s. 112.317.
1436 Penalties shall be imposed only by the appropriate disciplinary
1437 authority as designated in this section.

1438 (4) If, in cases pertaining to members of the Legislature,
1439 upon completion of a full and final investigation by the
1440 commission, the commission finds that there has been a violation
1441 of this part or of any provision of s. 8, Art. II of the State
1442 Constitution, the commission shall forward a copy of the
1443 complaint or referral and its findings by certified mail to the
1444 President of the Senate or the Speaker of the House of
1445 Representatives, whichever is applicable, who shall refer the
1446 complaint or referral to the appropriate committee for
1447 investigation and action which shall be governed by the rules of
1448 its respective house. It ~~is shall be~~ the duty of the committee
1449 to report its final action upon the matter ~~complaint~~ to the
1450 commission within 90 days of the date of transmittal to the

20132e2

1451 respective house. Upon request of the committee, the commission
1452 shall submit a recommendation as to what penalty, if any, should
1453 be imposed. In the case of a member of the Legislature, the
1454 house in which the member serves has ~~shall have~~ the power to
1455 invoke the penalty provisions of this part.

1456 (5) If, in cases ~~pertaining to complaints~~ against
1457 impeachable officers, upon completion of a full and final
1458 investigation by the commission, the commission finds that there
1459 has been a violation of this part or of any provision of s. 8,
1460 Art. II of the State Constitution, and the commission finds that
1461 the violation may constitute grounds for impeachment, the
1462 commission shall forward a copy of the complaint or referral and
1463 its findings by certified mail to the Speaker of the House of
1464 Representatives, who shall refer the complaint or referral to
1465 the appropriate committee for investigation and action which
1466 shall be governed by the rules of the House of Representatives.
1467 It is ~~shall be~~ the duty of the committee to report its final
1468 action upon the matter ~~complaint~~ to the commission within 90
1469 days of the date of transmittal.

1470 (6) If the commission finds that there has been a violation
1471 of this part or of any provision of s. 8, Art. II of the State
1472 Constitution by an impeachable officer other than the Governor,
1473 and the commission recommends public censure and reprimand,
1474 forfeiture of a portion of the officer's salary, a civil
1475 penalty, or restitution, the commission shall report its
1476 findings and recommendation of disciplinary action to the
1477 Governor, who has ~~shall have~~ the power to invoke the penalty
1478 provisions of this part.

1479 (7) If the commission finds that there has been a violation

20132e2

1480 of this part or of any provision of s. 8, Art. II of the State
1481 Constitution by the Governor, and the commission recommends
1482 public censure and reprimand, forfeiture of a portion of the
1483 Governor's salary, a civil penalty, or restitution, the
1484 commission shall report its findings and recommendation of
1485 disciplinary action to the Attorney General, who shall have the
1486 power to invoke the penalty provisions of this part.

1487 (8) If, in cases ~~pertaining to complaints~~ other than
1488 complaints or referrals against impeachable officers or members
1489 of the Legislature, upon completion of a full and final
1490 investigation by the commission, the commission finds that there
1491 has been a violation of this part or of s. 8, Art. II of the
1492 State Constitution, it is ~~shall be~~ the duty of the commission to
1493 report its findings and recommend appropriate action to the
1494 proper disciplinary official or body as follows, and such
1495 official or body has ~~shall have~~ the power to invoke the penalty
1496 provisions of this part, including the power to order the
1497 appropriate elections official to remove a candidate from the
1498 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1499 II of the State Constitution:

1500 (a) The President of the Senate and the Speaker of the
1501 House of Representatives, jointly, in any case concerning the
1502 Public Counsel, members of the Public Service Commission,
1503 members of the Public Service Commission Nominating Council, the
1504 Auditor General, or the director of the Office of Program Policy
1505 Analysis and Government Accountability.

1506 (b) The Supreme Court, in any case concerning an employee
1507 of the judicial branch.

1508 (c) The President of the Senate, in any case concerning an

20132e2

1509 employee of the Senate; the Speaker of the House of
1510 Representatives, in any case concerning an employee of the House
1511 of Representatives; or the President and the Speaker, jointly,
1512 in any case concerning an employee of a committee of the
1513 Legislature whose members are appointed solely by the President
1514 and the Speaker or in any case concerning an employee of the
1515 Public Counsel, Public Service Commission, Auditor General, or
1516 Office of Program Policy Analysis and Government Accountability.

1517 (d) Except as otherwise provided by this part, the
1518 Governor, in the case of any other public officer, public
1519 employee, former public officer or public employee, candidate or
1520 former candidate, or person who is not a public officer or
1521 employee, other than lobbyists and lobbying firms under s.
1522 112.3215 for violations of s. 112.3215.

1523 (e) The President of the Senate or the Speaker of the House
1524 of Representatives, whichever is applicable, in any case
1525 concerning a former member of the Legislature who has violated a
1526 provision applicable to former members or whose violation
1527 occurred while a member of the Legislature.

1528 (9) In addition to reporting its findings to the proper
1529 disciplinary body or official, the commission shall report these
1530 findings to the state attorney or any other appropriate official
1531 or agency having authority to initiate prosecution when
1532 violation of criminal law is indicated.

1533 (10) Notwithstanding the foregoing procedures of this
1534 section, a sworn complaint against any member or employee of the
1535 Commission on Ethics for violation of this part or of s. 8, Art.
1536 II of the State Constitution shall be filed with the President
1537 of the Senate and the Speaker of the House of Representatives.

20132e2

1538 Each presiding officer shall, after determining that there are
1539 sufficient grounds for review, appoint three members of their
1540 respective bodies to a special joint committee who shall
1541 investigate the complaint. The members shall elect a chair from
1542 among their number. If the special joint committee finds
1543 insufficient evidence to establish probable cause to believe a
1544 violation of this part or of s. 8, Art. II of the State
1545 Constitution has occurred, it shall dismiss the complaint. If,
1546 upon completion of its preliminary investigation, the committee
1547 finds sufficient evidence to establish probable cause to believe
1548 a violation has occurred, the chair thereof shall transmit such
1549 findings to the Governor who shall convene a meeting of the
1550 Governor, the President of the Senate, the Speaker of the House
1551 of Representatives, and the Chief Justice of the Supreme Court
1552 to take such final action on the complaint as they shall deem
1553 appropriate, consistent with the penalty provisions of this
1554 part. Upon request of a majority of the Governor, the President
1555 of the Senate, the Speaker of the House of Representatives, and
1556 the Chief Justice of the Supreme Court, the special joint
1557 committee shall submit a recommendation as to what penalty, if
1558 any, should be imposed.

1559 (11) (a) Notwithstanding subsections (1)-(8), the commission
1560 may dismiss any complaint or referral at any stage of
1561 disposition if it determines that the violation that is alleged
1562 or has occurred is a de minimis violation attributable to
1563 inadvertent or unintentional error. In determining whether a
1564 violation was de minimis, the commission shall consider whether
1565 the interests of the public were protected despite the
1566 violation. This subsection does not apply to complaints or

20132e2

1567 referrals pursuant to ss. 112.3144 and 112.3145.

1568 (b) For the purposes of this subsection, a de minimis
1569 violation is any violation that is unintentional and not
1570 material in nature.

1571 (12)~~(11)~~ Notwithstanding the provisions of subsections (1)-
1572 (8), the commission may, at its discretion, dismiss any
1573 complaint or referral at any stage of disposition should it
1574 determine that the public interest would not be served by
1575 proceeding further, in which case the commission shall issue a
1576 public report stating with particularity its reasons for the
1577 dismissal.

1578 Section 18. For the purpose of incorporating the amendment
1579 made by this act to section 112.3143, Florida Statutes, in a
1580 reference thereto, subsection (1) of section 120.665, Florida
1581 Statutes, is reenacted to read:

1582 120.665 Disqualification of agency personnel.—

1583 (1) Notwithstanding the provisions of s. 112.3143, any
1584 individual serving alone or with others as an agency head may be
1585 disqualified from serving in an agency proceeding for bias,
1586 prejudice, or interest when any party to the agency proceeding
1587 shows just cause by a suggestion filed within a reasonable
1588 period of time prior to the agency proceeding. If the
1589 disqualified individual was appointed, the appointing power may
1590 appoint a substitute to serve in the matter from which the
1591 individual is disqualified. If the individual is an elected
1592 official, the Governor may appoint a substitute to serve in the
1593 matter from which the individual is disqualified. However, if a
1594 quorum remains after the individual is disqualified, it shall
1595 not be necessary to appoint a substitute.

20132e2

1596 Section 19. For the purpose of incorporating the amendment
1597 made by this act to section 112.3143, Florida Statutes, in a
1598 reference thereto, section 286.012, Florida Statutes, is
1599 reenacted to read:

1600 286.012 Voting requirement at meetings of governmental
1601 bodies.—No member of any state, county, or municipal
1602 governmental board, commission, or agency who is present at any
1603 meeting of any such body at which an official decision, ruling,
1604 or other official act is to be taken or adopted may abstain from
1605 voting in regard to any such decision, ruling, or act; and a
1606 vote shall be recorded or counted for each such member present,
1607 except when, with respect to any such member, there is, or
1608 appears to be, a possible conflict of interest under the
1609 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1610 cases, said member shall comply with the disclosure requirements
1611 of s. 112.3143.

1612 Section 20. For the purpose of incorporating the amendment
1613 made by this act to section 112.324, Florida Statutes, in a
1614 reference thereto, section 287.175, Florida Statutes, is
1615 reenacted to read:

1616 287.175 Penalties.—A violation of this part or a rule
1617 adopted hereunder, pursuant to applicable constitutional and
1618 statutory procedures, constitutes misuse of public position as
1619 defined in s. 112.313(6), and is punishable as provided in s.
1620 112.317. The Chief Financial Officer shall report incidents of
1621 suspected misuse to the Commission on Ethics, and the commission
1622 shall investigate possible violations of this part or rules
1623 adopted hereunder when reported by the Chief Financial Officer,
1624 notwithstanding the provisions of s. 112.324. Any violation of

20132e2

1625 this part or a rule adopted hereunder shall be presumed to have
1626 been committed with wrongful intent, but such presumption is
1627 rebuttable. Nothing in this section is intended to deny rights
1628 provided to career service employees by s. 110.227.

1629 Section 21. Paragraph (c) of subsection (1) of section
1630 288.901, Florida Statutes, is amended to read:

1631 288.901 Enterprise Florida, Inc.—

1632 (1) CREATION.—

1633 (c) The Legislature determines that it is in the public
1634 interest for the members of Enterprise Florida, Inc., board of
1635 directors to be subject to the requirements of ss. 112.3135,
1636 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1637 notwithstanding the fact that the board members are not public
1638 officers or employees. For purposes of those sections, the board
1639 members shall be considered to be public officers or employees.
1640 The exemption set forth in s. 112.313(12) for advisory boards
1641 applies to the members of Enterprise Florida, Inc., board of
1642 directors. Further, each member of the board of directors who is
1643 not otherwise required to file financial disclosures pursuant to
1644 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1645 file disclosure of financial interests pursuant to s. 112.3145.

1646 Section 22. Subsection (1) of section 445.007, Florida
1647 Statutes, is reenacted for the purpose of incorporating the
1648 amendment made by this act to section 112.3143, Florida
1649 Statutes, in a reference thereto, and subsection (11) of that
1650 section is amended, to read:

1651 445.007 Regional workforce boards.—

1652 (1) One regional workforce board shall be appointed in each
1653 designated service delivery area and shall serve as the local

20132e2

1654 workforce investment board pursuant to Pub. L. No. 105-220. The
1655 membership of the board shall be consistent with Pub. L. No.
1656 105-220, Title I, s. 117(b) but may not exceed the minimum
1657 membership required in Pub. L. No. 105-220, Title I, s.
1658 117(b) (2) (A) and in this subsection. Upon approval by the
1659 Governor, the chief elected official may appoint additional
1660 members above the limit set by this subsection. If a public
1661 education or training provider is represented on the board, a
1662 representative of a private nonprofit provider and a
1663 representative of a private for-profit provider must also be
1664 appointed to the board. The board shall include one nonvoting
1665 representative from a military installation if a military
1666 installation is located within the region and the appropriate
1667 military command or organization authorizes such representation.
1668 It is the intent of the Legislature that membership of a
1669 regional workforce board include persons who are current or
1670 former recipients of welfare transition assistance as defined in
1671 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1672 or that such persons be included as ex officio members of the
1673 board or of committees organized by the board. The importance of
1674 minority and gender representation shall be considered when
1675 making appointments to the board. The board, its committees,
1676 subcommittees, and subdivisions, and other units of the
1677 workforce system, including units that may consist in whole or
1678 in part of local governmental units, may use any method of
1679 telecommunications to conduct meetings, including establishing a
1680 quorum through telecommunications, provided that the public is
1681 given proper notice of the telecommunications meeting and
1682 reasonable access to observe and, when appropriate, participate.

20132e2

1683 Regional workforce boards are subject to chapters 119 and 286
1684 and s. 24, Art. I of the State Constitution. If the regional
1685 workforce board enters into a contract with an organization or
1686 individual represented on the board of directors, the contract
1687 must be approved by a two-thirds vote of the board, a quorum
1688 having been established, and the board member who could benefit
1689 financially from the transaction must abstain from voting on the
1690 contract. A board member must disclose any such conflict in a
1691 manner that is consistent with the procedures outlined in s.
1692 112.3143. Each member of a regional workforce board who is not
1693 otherwise required to file a full and public disclosure of
1694 financial interests pursuant to s. 8, Art. II of the State
1695 Constitution or s. 112.3144 shall file a statement of financial
1696 interests pursuant to s. 112.3145. The executive director or
1697 designated person responsible for the operational and
1698 administrative functions of the regional workforce board who is
1699 not otherwise required to file a full and public disclosure of
1700 financial interests pursuant to s. 8, Art. II of the State
1701 Constitution or s. 112.3144 shall file a statement of financial
1702 interests pursuant to s. 112.3145.

1703 (11) To increase transparency and accountability, a
1704 regional workforce board must comply with the requirements of
1705 this section before contracting with a member of the board or a
1706 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1707 board member or of an employee of the board. Such contracts may
1708 not be executed before or without the approval of Workforce
1709 Florida, Inc. Such contracts, as well as documentation
1710 demonstrating adherence to this section as specified by
1711 Workforce Florida, Inc., must be submitted to the Department of

20132e2

1712 Economic Opportunity for review and recommendation according to
1713 criteria to be determined by Workforce Florida, Inc. Such a
1714 contract must be approved by a two-thirds vote of the board, a
1715 quorum having been established; all conflicts of interest must
1716 be disclosed before the vote; and any member who may benefit
1717 from the contract, or whose relative may benefit from the
1718 contract, must abstain from the vote. A contract under \$25,000
1719 between a regional workforce board and a member of that board or
1720 between a relative, as defined in s. 112.3143(1)(c)
1721 ~~112.3143(1)(b)~~, of a board member or of an employee of the board
1722 is not required to have the prior approval of Workforce Florida,
1723 Inc., but must be approved by a two-thirds vote of the board, a
1724 quorum having been established, and must be reported to the
1725 Department of Economic Opportunity and Workforce Florida, Inc.,
1726 within 30 days after approval. If a contract cannot be approved
1727 by Workforce Florida, Inc., a review of the decision to
1728 disapprove the contract may be requested by the regional
1729 workforce board or other parties to the disapproved contract.

1730 Section 23. For the purpose of incorporating the amendment
1731 made by this act to section 112.3143, Florida Statutes, in a
1732 reference thereto, paragraph (m) of subsection (5) of section
1733 627.311, Florida Statutes, is reenacted to read:

1734 627.311 Joint underwriters and joint reinsurers; public
1735 records and public meetings exemptions.—

1736 (5)

1737 (m) Senior managers and officers, as defined in the plan of
1738 operation, and members of the board of governors are subject to
1739 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1740 112.316, and 112.317. Senior managers, officers, and board

20132e2

1741 members are also required to file such disclosures with the
1742 Commission on Ethics and the Office of Insurance Regulation. The
1743 executive director of the plan or his or her designee shall
1744 notify each newly appointed and existing appointed member of the
1745 board of governors, senior manager, and officer of his or her
1746 duty to comply with the reporting requirements of s. 112.3145.
1747 At least quarterly, the executive director of the plan or his or
1748 her designee shall submit to the Commission on Ethics a list of
1749 names of the senior managers, officers, and members of the board
1750 of governors who are subject to the public disclosure
1751 requirements under s. 112.3145. Notwithstanding s. 112.313, an
1752 employee, officer, owner, or director of an insurance agency,
1753 insurance company, or other insurance entity may be a member of
1754 the board of governors unless such employee, officer, owner, or
1755 director of an insurance agency, insurance company, other
1756 insurance entity, or an affiliate provides policy issuance,
1757 policy administration, underwriting, claims handling, or payroll
1758 audit services. Notwithstanding s. 112.3143, such board member
1759 may not participate in or vote on a matter if the insurance
1760 agency, insurance company, or other insurance entity would
1761 obtain a special or unique benefit that would not apply to other
1762 similarly situated insurance entities.

1763 Section 24. For the purpose of incorporating the amendment
1764 made to this act to section 112.3143, Florida Statutes, in a
1765 reference thereto, paragraph (d) of subsection (6) of section
1766 627.351, Florida Statutes, is reenacted to read:

1767 627.351 Insurance risk apportionment plans.—

1768 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1769 (d)1. All prospective employees for senior management

20132e2

1770 positions, as defined by the plan of operation, are subject to
1771 background checks as a prerequisite for employment. The office
1772 shall conduct the background checks pursuant to ss. 624.34,
1773 624.404(3), and 628.261.

1774 2. On or before July 1 of each year, employees of the
1775 corporation must sign and submit a statement attesting that they
1776 do not have a conflict of interest, as defined in part III of
1777 chapter 112. As a condition of employment, all prospective
1778 employees must sign and submit to the corporation a conflict-of-
1779 interest statement.

1780 3. Senior managers and members of the board of governors
1781 are subject to part III of chapter 112, including, but not
1782 limited to, the code of ethics and public disclosure and
1783 reporting of financial interests, pursuant to s. 112.3145.
1784 Notwithstanding s. 112.3143(2), a board member may not vote on
1785 any measure that would inure to his or her special private gain
1786 or loss; that he or she knows would inure to the special private
1787 gain or loss of any principal by whom he or she is retained or
1788 to the parent organization or subsidiary of a corporate
1789 principal by which he or she is retained, other than an agency
1790 as defined in s. 112.312; or that he or she knows would inure to
1791 the special private gain or loss of a relative or business
1792 associate of the public officer. Before the vote is taken, such
1793 member shall publicly state to the assembly the nature of his or
1794 her interest in the matter from which he or she is abstaining
1795 from voting and, within 15 days after the vote occurs, disclose
1796 the nature of his or her interest as a public record in a
1797 memorandum filed with the person responsible for recording the
1798 minutes of the meeting, who shall incorporate the memorandum in

20132e2

1799 the minutes. Senior managers and board members are also required
1800 to file such disclosures with the Commission on Ethics and the
1801 Office of Insurance Regulation. The executive director of the
1802 corporation or his or her designee shall notify each existing
1803 and newly appointed member of the board of governors and senior
1804 managers of their duty to comply with the reporting requirements
1805 of part III of chapter 112. At least quarterly, the executive
1806 director or his or her designee shall submit to the Commission
1807 on Ethics a list of names of the senior managers and members of
1808 the board of governors who are subject to the public disclosure
1809 requirements under s. 112.3145.

1810 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1811 provision of law, an employee or board member may not knowingly
1812 accept, directly or indirectly, any gift or expenditure from a
1813 person or entity, or an employee or representative of such
1814 person or entity, which has a contractual relationship with the
1815 corporation or who is under consideration for a contract. An
1816 employee or board member who fails to comply with subparagraph
1817 3. or this subparagraph is subject to penalties provided under
1818 ss. 112.317 and 112.3173.

1819 5. Any senior manager of the corporation who is employed on
1820 or after January 1, 2007, regardless of the date of hire, who
1821 subsequently retires or terminates employment is prohibited from
1822 representing another person or entity before the corporation for
1823 2 years after retirement or termination of employment from the
1824 corporation.

1825 6. Any senior manager of the corporation who is employed on
1826 or after January 1, 2007, regardless of the date of hire, who
1827 subsequently retires or terminates employment is prohibited from

20132e2

1828 having any employment or contractual relationship for 2 years
1829 with an insurer that has entered into a take-out bonus agreement
1830 with the corporation.

1831 Section 25. This act shall take effect upon becoming a law.