

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

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

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

85 | violations of ch. 112, F.S., from \$10,000 to \$100,000;
 86 | providing that a person who knowingly fails to file
 87 | the required disclosure of documents by a specified
 88 | date commits a misdemeanor of the first degree;
 89 | providing criminal penalties; providing that a person
 90 | who files a complaint with actual malice against a
 91 | public officer is liable for costs and attorney's
 92 | fees; amending s. 112.3215, F.S.; providing that a
 93 | person who is required to register as a lobbyist with
 94 | the executive branch or the Constitution Revision
 95 | Commission or to provide information on a report
 96 | required by the Commission on Ethics but who fails to
 97 | disclose a material fact or provides false information
 98 | commits a noncriminal infraction; providing a fine for
 99 | such infraction; amending s. 112.324, F.S.; providing
 100 | procedures for investigations of complaints filed with
 101 | the commission; amending ss. 310.151 and 411.01, F.S.;
 102 | conforming cross-references; providing an effective
 103 | date.

104 |
 105 | Be It Enacted by the Legislature of the State of Florida:
 106 |

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

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

112 | (5) "Business entity" means any corporation, company,

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113 partnership, limited partnership, proprietorship, firm,
114 enterprise, franchise, association, self-employed individual, or
115 trust, whether fictitiously named or not, doing business in this
116 state.

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

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

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

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

141 be held in violation of subsection (3) or subsection (7) if:

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

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

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

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

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

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

167 (d) An emergency purchase or contract that ~~which~~ would
168 otherwise violate ~~a provision of~~ subsection (3) or subsection

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169 (7) must be made in order to protect the health, safety, or
170 welfare of residents ~~the citizens~~ of the state or any political
171 subdivision thereof.

172 (e) The business entity involved is the only source of
173 supply within the political subdivision of the officer or
174 employee and there is full disclosure by the officer or employee
175 of his or her interest in the business entity to the governing
176 body of the political subdivision before ~~prior to~~ the purchase,
177 rental, sale, leasing, or other business is being transacted.

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

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

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

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197 preceding year.

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

203 (j) The public officer or employee in a private capacity
204 purchases goods or services from a business entity that ~~which~~ is
205 subject to the regulation of his or her agency and:

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

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

211
212 All disclosures required by this subsection must be made in
213 writing on forms prescribed by the commission as provided in s.
214 112.3147.

215 (18) PUBLIC OFFICERS.—A public officer or employee of an
216 agency may not knowingly, or with reason to know, act in a
217 manner that would cause a reasonable person, having knowledge of
218 the relevant circumstances, to conclude that a person can
219 improperly influence the officer or employee or unduly enjoy his
220 or her favor in the performance of his or her official duties,
221 or that the officer or employee is likely to act or fail to act
222 as a result of kinship, rank, position, or undue influence of
223 any party or person. It is unreasonable to so conclude if the
224 officer or employee has disclosed in writing to his or her

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225 appointing authority or, if no appointing authority exists,
226 publically discloses the facts that would otherwise lead to such
227 a conclusion.

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

230 112.3135 Restriction on employment of relatives.—

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

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

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

253 1. Appointments to boards other than those with land-
 254 planning or zoning responsibilities in ~~those~~ municipalities that
 255 have a population of fewer ~~with less~~ than 35,000 ~~population~~.

256 ~~This subsection does not apply to~~

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

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

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

269 112.3142 Qualified blind trusts.-

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

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

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

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

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

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

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

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

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

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309 kind;

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

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

318 (d) Directions to the trustee to sell all of an asset
319 initially placed in the trust by the covered public official
320 which, in the determination of the covered public official,
321 creates a conflict of interest or the appearance thereof due to
322 the subsequent assumption of duties by the public official.

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

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

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

336 1. The covered public official's spouse, child, parent,

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337 grandparent, grandchild, brother, sister, parent-in-law,
338 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
339 the spouse of any such person;

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

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

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

346 1. Contain a clear statement of its purpose, namely, to
347 remove from the grantor control and knowledge of investment of
348 trust assets so that conflicts between the grantor's
349 responsibilities as a public official and his or her private
350 interests are eliminated.

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

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

362 4. Provide that the trust tax return is prepared by the
363 trustee or designee and that any information relating thereto is
364 not disclosed to the covered public official or to any other

365 beneficiary, except as provided in this section.

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

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

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

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

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

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

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

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

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

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

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

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

403 (9) If the trust is revoked while the covered public
404 official is a public officer, or if the covered public official
405 learns of any replacement assets that have been added to the
406 trust, the covered public official must file an amendment to his
407 or her most recent financial disclosure statement. The amendment
408 must be filed within 60 days after the date of revocation or the
409 addition of the replacement assets. The covered public official
410 must disclose the previously unreported pro rata share of the
411 trust's interests in investments or income deriving from any
412 such investments. For purposes of this section, any replaced
413 asset of which the covered public official learns must
414 subsequently be treated as though the asset were an original
415 asset of the trust.

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

418 112.3143 Voting conflicts.—

419 (1) As used in this section:

420 (a) "Participate" means any attempt, by oral or written

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421 communication, by a public officer or at the officer's direction
422 to influence the decision of an officer, employee, or member of
423 the agency.

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

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

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

437 (2) A ~~Ne~~ state public officer holding an elected office
438 ~~may vote is prohibited from voting~~ in an official capacity on
439 any matter. However, when any state public officer voting in an
440 official capacity upon any measure that ~~which~~ would inure to the
441 officer's special private gain or loss; that ~~which~~ he or she
442 knows would inure to the special private gain or loss of any
443 principal by whom the officer is retained ~~or to the parent~~
444 ~~organization or subsidiary of a corporate principal by which the~~
445 ~~officer is retained~~; or that ~~which~~ the officer knows would inure
446 to the special private gain or loss of a relative or business
447 associate of the public officer, the officer shall, within 15
448 days after the vote occurs, must disclose the nature of all of

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449 his or her interests in the matter and all of the interests of
450 his or her principals, relatives, or business associates which
451 are known to him or her ~~interest~~ as a public record in a
452 memorandum filed with the person responsible for recording the
453 minutes of the meeting, who shall incorporate the memorandum in
454 the minutes.

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

458 (a) Vote in an official capacity upon any measure that
459 ~~which~~ would inure to his or her special private gain or loss;
460 that ~~which~~ he or she knows would inure to the special private
461 gain or loss of any principal by whom he or she is retained ~~or~~
462 ~~to the parent organization or subsidiary of a corporate~~
463 ~~principal by which he or she is retained, other than an agency~~
464 ~~as defined in s. 112.312(2); or~~ that ~~which~~ he or she knows would
465 inure to the special private gain or loss of a relative or
466 business associate of the public officer. Such public officer
467 ~~shall, before~~ prior to the vote is ~~being~~ taken, must publicly
468 state to the assembly the nature of all of the officer's
469 interests and all of the interests of his or her principals,
470 relatives, or business associates which are known to him or her
471 ~~interest~~ in the matter from which he or she is abstaining from
472 voting and, within 15 days after the vote occurs, disclose the
473 nature of all of his or her interests in the matter and all of
474 the interests of his or her principals, relatives, or business
475 associates which are known to him or her, ~~his or her interest~~ as
476 a public record in a memorandum filed with the person

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477 responsible for recording the minutes of the meeting, who shall
478 incorporate the memorandum in the minutes.

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

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

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

503 (a) Such disclosure, indicating the nature of the
504 conflict, must ~~shall~~ be made in a written memorandum filed with

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

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

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

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

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

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

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

546 (2) A person who is required, pursuant to s. 8, Art. II of
 547 the State Constitution, to file a full and public disclosure of
 548 financial interests and who has filed such ~~a full and public~~
 549 ~~disclosure of financial interests~~ for any calendar or fiscal
 550 year is ~~shall~~ not be required to file a statement of financial
 551 interests pursuant to s. 112.3145(2) and (3) for the same year
 552 or for any part thereof notwithstanding any requirement of this
 553 part., ~~except that~~ A candidate for office who has filed a full
 554 and public disclosure of financial interests when qualifying as
 555 a candidate before July 1 must file a copy of that disclosure
 556 with the commission as the annual disclosure required under this
 557 section instead of filing a second original disclosure. A
 558 candidate who does not qualify until after the annual full and
 559 public disclosure has been filed under this section must ~~shall~~
 560 file a copy of his or her disclosure with the officer before

561 | whom he or she qualifies.

562 | Section 7. Subsections (1), (2), and (3) of section
563 | 112.3145, Florida Statutes, are amended to read:

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

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

568 | (a) "Local officer" means:

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

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

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

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

581 | ~~b.e.~~ A community college or junior college district board
582 | of trustees;

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

585 | ~~d.e.~~ A planning or zoning board, board of adjustment,
586 | board of appeals, community redevelopment agency board, or other
587 | board having the power to recommend, create, or modify land
588 | planning or zoning within the political subdivision, except for

589 citizen advisory committees, technical coordinating committees,
 590 and such other groups that ~~who only~~ have only the power to make
 591 recommendations to planning or zoning boards;

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

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

600 3. Any person holding one or more of the following
 601 positions: mayor; county or city manager; chief administrative
 602 employee of a county, municipality, or other political
 603 subdivision; county or municipal attorney; finance director of a
 604 county, municipality, or other political subdivision; chief
 605 county or municipal building code inspector; county or municipal
 606 water resources coordinator; county or municipal pollution
 607 control director; county or municipal environmental control
 608 director; county or municipal administrator having the, ~~with~~
 609 power to grant or deny a land development permit; chief of
 610 police; fire chief; municipal clerk; district school
 611 superintendent; community college president; district medical
 612 examiner; or purchasing agent having the authority to make any
 613 purchase exceeding the threshold amount provided ~~for~~ in s.
 614 287.017 for CATEGORY ONE, on behalf of any political subdivision
 615 of the state or ~~any~~ entity thereof.

616 (b) "Specified state employee" means:

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

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

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

638 4. The superintendent or institute director of a state
639 mental health institute established for training and research in
640 the mental health field or the warden or director of any major
641 state institution or facility established for corrections,
642 training, treatment, or rehabilitation.

643 5. Business managers, purchasing agents having the power
644 to make any purchase exceeding the threshold amount provided ~~for~~

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645 in s. 287.017 for CATEGORY ONE, finance and accounting
646 directors, personnel officers, or grants coordinators for any
647 state agency.

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

653 7. Each employee of the Commission on Ethics.

654 (c) "State officer" means:

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

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

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

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

669 (2) (a) A person seeking nomination or election to a state
670 or local elective office must ~~shall~~ file a statement of
671 financial interests together with, and at the same time he or
672 she files, qualifying papers. A candidate for office who has

673 | filed a statement of financial interests when qualifying as a
674 | candidate before July 1 must file a copy of that statement as
675 | the annual disclosure required under this section instead of
676 | filing a second original statement. A candidate who does not
677 | qualify until after the annual statement of financial interests
678 | has been filed under this section must file a copy of his or her
679 | disclosure with the officer before whom he or she qualifies.

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

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

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

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

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

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

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

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

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

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757 10 percent of the gross income of a business entity in which the
758 reporting person held a material interest and from which he or
759 she received gross income exceeding \$5,000 during the disclosure
760 period. The period for computing the gross income of the
761 business entity is the fiscal year of the business entity which
762 ended on, or immediately before ~~prior to~~, the end of the
763 disclosure period of the person reporting;

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

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

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

777 Section 8. Subsections (2), (3), (4), and (5) of section
778 112.3148, Florida Statutes, are amended to read:

779 112.3148 Reporting and prohibited receipt of gifts by
780 individuals filing full or limited public disclosure of
781 financial interests and by procurement employees.—

782 (2) As used in this section:

783 (a) "Immediate family" means any parent, spouse, child, or
784 sibling.

785 (b)~~1~~. "Lobbyist" means a ~~any~~ natural person who, for
 786 compensation, seeks, or sought during the preceding 12 months,
 787 to influence the governmental decisionmaking of a reporting
 788 individual or procurement employee or his or her agency or
 789 seeks, or sought during the preceding 12 months, to encourage
 790 the passage, defeat, or modification of a ~~any~~ proposal or
 791 recommendation by the reporting individual or procurement
 792 employee or his or her agency.

793 ~~2~~. With respect to an agency that has established by rule,
 794 ordinance, or law a registration process for persons seeking to
 795 influence decisionmaking or to encourage the passage, defeat, or
 796 modification of a ~~any~~ proposal or recommendation by the ~~such~~
 797 agency or an employee or official of the agency, the term
 798 "~~lobbyist~~" includes only a person who is required to be
 799 registered as a lobbyist in accordance with such rule,
 800 ordinance, or law or who was during the preceding 12 months
 801 required to be registered as a lobbyist in accordance with such
 802 rule, ordinance, or law. At a minimum, such ~~a~~ registration
 803 system must require the registration of, or must designate,
 804 persons as "lobbyists" who engage in the same activities as
 805 require registration to lobby the Legislature pursuant to s.
 806 11.045.

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

811 (d) "Reporting individual" means an ~~any~~ individual,
 812 including a candidate upon qualifying, who is required by law,

813 pursuant to s. 8, Art. II of the State Constitution or s.
 814 112.3145, to file full or limited public disclosure of his or
 815 her financial interests or ~~any individual~~ who has been elected
 816 to, but has yet to officially assume the responsibilities of,
 817 public office. For purposes of implementing this section, the
 818 "agency" of a reporting individual who is not an officer or
 819 employee in public service is the agency to which the candidate
 820 seeks election, or in the case of an individual elected to but
 821 yet to formally take office, the agency in which the individual
 822 has been elected to serve.

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

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

838 (3) A reporting individual or procurement employee may not
 839 solicit ~~is prohibited from soliciting~~ any gift from a political
 840 committee or committee of continuous existence, as defined in s.

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841 106.011, from a vendor doing business with the reporting
842 individual's or procurement employee's agency, or from a
843 lobbyist who lobbies the reporting individual's or procurement
844 employee's agency, or the partner, firm, employer, or principal
845 of such lobbyist, if ~~where~~ such gift is for the personal benefit
846 of the reporting individual or procurement employee, another
847 reporting individual or procurement employee, or any member of
848 the immediate family of a reporting individual or procurement
849 employee.

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

868 (5) (a) A political committee or a committee of continuous

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869 | existence, as defined in s. 106.011; a vendor doing business
870 | with the reporting individual's or procurement employee's
871 | agency; a lobbyist who lobbies a reporting individual's or
872 | procurement employee's agency; the partner, firm, employer, or
873 | principal of a lobbyist; or another on behalf of the lobbyist or
874 | partner, firm, principal, or employer of the lobbyist may not
875 | give ~~is prohibited from giving~~, either directly or indirectly, a
876 | gift or gifts that have an aggregate ~~has a~~ value in excess of
877 | \$100 within a calendar year to the reporting individual or
878 | procurement employee or any other person on his or her behalf.~~†~~
879 | However, such person may give a gift or gifts having a total
880 | value in excess of \$100 to a reporting individual or procurement
881 | employee if the gifts are ~~gift is~~ intended to be transferred to
882 | a governmental entity or a charitable organization.

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

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897 of the recipient of the gift, and the date such gift is given.
898 In addition, if a gift is made which requires the filing of a
899 report under this subsection, the donor must notify the intended
900 recipient at the time the gift is made that the donor, or
901 another on his or her behalf, must ~~will~~ report the gift under
902 this subsection. Under this paragraph, a gift need not be
903 reported by more than one person or entity.

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

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

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

923 Section 9. Paragraph (e) of subsection (1) and subsections
924 (3) and (4) of section 112.3149, Florida Statutes, are amended,

925 and paragraph (f) is added to subsection (1) of that section, to
 926 read:

927 112.3149 Solicitation and disclosure of honoraria.—

928 (1) As used in this section:

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

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

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

951 (4) A political committee or committee of continuous
 952 existence, ~~as defined in s. 106.011,~~ a vendor doing business

953 | with the reporting individual's or the procurement employee's
 954 | agency, a lobbyist who lobbies a reporting individual's or
 955 | procurement employee's agency, or the employer, principal,
 956 | partner, or firm of such a lobbyist may not give ~~is prohibited~~
 957 | ~~from giving~~ an honorarium to a reporting individual or
 958 | procurement employee.

959 | Section 10. Section 112.317, Florida Statutes, is amended
 960 | to read:

961 | 112.317 Penalties.—

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

970 | (a) In the case of a public officer:

- 971 | 1. Impeachment.
- 972 | 2. Removal from office.
- 973 | 3. Suspension from office.
- 974 | 4. Public censure and reprimand.
- 975 | 5. Forfeiture of up to ~~no more than~~ one-third salary per
 976 | month for up to ~~no more than~~ 12 months.

977 | 6. A civil penalty of up to \$100,000 ~~not to exceed~~
 978 | \$10,000.

979 | 7. Restitution of any pecuniary benefits received because
 980 | of the violation committed. The commission may recommend that

981 the restitution penalty be paid to the agency of which the
 982 public officer was a member or to the General Revenue Fund.

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

- 986 1. Dismissal from employment.
- 987 2. Suspension from employment for up to ~~not more than~~ 90
 988 days without pay.
- 989 3. Demotion.
- 990 4. Reduction in salary level.
- 991 5. Forfeiture of up to ~~no more than~~ one-third salary per
 992 month for up to ~~no more than~~ 12 months.
- 993 6. A civil penalty of up to \$100,000 ~~not to exceed~~
 994 \$10,000.
- 995 7. Restitution of any pecuniary benefits received because
 996 of the violation committed. The commission may recommend that
 997 the restitution penalty be paid to the agency of ~~by which~~ the
 998 public employee ~~was employed,~~ or of ~~which~~ the officer who
 999 employed the ~~was deemed to be an employee,~~ or to the General
 1000 Revenue Fund.

1001 8. Public censure and reprimand.

1002 (c) In the case of a candidate who violates the provisions
 1003 of this part or s. 8(a) and (i), Art. II of the State
 1004 Constitution:

- 1005 1. Disqualification from being on the ballot.
- 1006 2. Public censure.
- 1007 3. Reprimand.
- 1008 4. A civil penalty of up to \$100,000 ~~not to exceed~~

1009 | ~~\$10,000.~~

1010 | (d) In the case of a former public officer or employee who
 1011 | has violated a provision applicable to former officers or
 1012 | employees or whose violation occurred before the officer's or
 1013 | employee's leaving public office or employment:

1014 | 1. Public censure and reprimand.

1015 | 2. A civil penalty of up to \$100,000 ~~not to exceed~~
 1016 | ~~\$10,000.~~

1017 | 3. Restitution of any pecuniary benefits received because
 1018 | of the violation committed. The commission may recommend that
 1019 | the restitution penalty be paid to the agency of the public
 1020 | officer or employee or to the General Revenue Fund.

1021 | (e) In the case of a person who is subject to the
 1022 | standards of this part, other than a lobbyist or lobbying firm
 1023 | under s. 112.3215 for a violation of s. 112.3215, but who is not
 1024 | a public officer or employee:

1025 | 1. Public censure and reprimand.

1026 | 2. A civil penalty not to exceed \$100,000 ~~\$10,000.~~

1027 | 3. Restitution of any pecuniary benefits received because
 1028 | of the violation committed. The commission may recommend that
 1029 | the restitution penalty be paid to the agency of the person or
 1030 | to the General Revenue Fund.

1031 | (2) A person who knowingly fails to file a disclosure
 1032 | required by this part within 90 days after the specified date
 1033 | commits a misdemeanor of the first degree, punishable as
 1034 | provided in s. 775.082 or s. 775.083.

1035 | (3)~~(2)~~ In any case in which the commission finds a
 1036 | violation of this part or of s. 8, Art. II of the State

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1037 Constitution and the proper disciplinary official or body under
1038 s. 112.324 imposes a civil penalty or restitution penalty, the
1039 Attorney General shall bring a civil action to recover such
1040 penalty. A ~~No~~ defense may not be raised in the civil action to
1041 enforce the civil penalty or order of restitution which ~~that~~
1042 could have been raised by judicial review of the administrative
1043 findings and recommendations of the commission by certiorari to
1044 the district court of appeal. The Attorney General shall collect
1045 any costs, attorney's fees, expert witness fees, or other costs
1046 of collection incurred in bringing the action.

1047 (4) ~~(3)~~ The penalties prescribed in this part do ~~shall~~ not
1048 ~~be construed to~~ limit or ~~to~~ conflict with:

1049 (a) The power of either house of the Legislature to
1050 discipline its own members or impeach a public officer.

1051 (b) The power of agencies to discipline officers or
1052 employees.

1053 (5) ~~(4)~~ Any violation of this part or of s. 8, Art. II of
1054 the State Constitution by a public officer constitutes ~~shall~~
1055 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1056 office within the meaning of s. 7, Art. IV of the State
1057 Constitution.

1058 (6) ~~(5)~~ By order of the Governor, upon recommendation of
1059 the commission, any elected municipal officer who violates any
1060 provision of this part or of s. 8, Art. II of the State
1061 Constitution may be suspended from office and the office filled
1062 by appointment for the period of suspension. The suspended
1063 officer may at any time before removal be reinstated by the
1064 Governor. The Senate may, in proceedings prescribed by law,

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1065 remove from office, or reinstate, the suspended officer
1066 ~~official~~, and for such purpose the Senate may be convened in
1067 special session by its President or by a majority of its
1068 membership.

1069 (7)~~(6)~~ In any case in which the commission finds probable
1070 cause to believe that a complainant has committed perjury in
1071 regard to any document filed with, or any testimony given
1072 before, the commission, it shall refer such evidence to the
1073 appropriate law enforcement agency for prosecution and taxation
1074 of costs.

1075 (8)~~(7)~~ ~~If In any case in which~~ the commission determines
1076 that a person has filed a complaint against a public officer or
1077 employee with actual malice ~~a malicious intent to injure the~~
1078 ~~reputation of such officer or employee by filing the complaint~~
1079 ~~with knowledge that the complaint contains one or more false~~
1080 ~~allegations or with reckless disregard for whether the complaint~~
1081 ~~contains false allegations of fact material to a violation of~~
1082 ~~this part~~, the complainant is ~~shall be~~ liable for costs plus
1083 reasonable attorney's fees incurred in the defense of the person
1084 complained against, including the costs and reasonable
1085 attorney's fees incurred in proving entitlement to and the
1086 amount of costs and fees. If the complainant fails to pay such
1087 costs and fees voluntarily within 30 days following such finding
1088 by the commission, the commission shall forward such information
1089 to the Department of Legal Affairs, which shall bring a civil
1090 action ~~in a court of competent jurisdiction~~ to recover the
1091 amount of such costs and fees ~~awarded by the commission~~.

1092 Section 11. Subsection (8) of section 112.3215, Florida

1093 Statutes, is amended, present subsection (14) of that section is
 1094 redesignated as subsection (15), and a new subsection (14) is
 1095 added to that section, to read:

1096 112.3215 Lobbying before the executive branch or the
 1097 Constitution Revision Commission; registration and reporting;
 1098 investigation by commission.—

1099 (8) (a) The commission shall investigate every sworn
 1100 complaint that is filed with it alleging that a person covered
 1101 by this section has failed to register, has failed to submit a
 1102 compensation report, has made a prohibited expenditure, or has
 1103 knowingly submitted false information in any report or
 1104 registration required under ~~in~~ this section.

1105 (b) All proceedings, the complaint, and other records
 1106 relating to the investigation are confidential and exempt from
 1107 ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 1108 Constitution, and any meetings held pursuant to an investigation
 1109 are exempt from ~~the provisions of~~ s. 286.011(1) and s. 24(b),
 1110 Art. I of the State Constitution ~~either~~ until the alleged
 1111 violator requests in writing that such investigation and
 1112 associated records and meetings be made public or until the
 1113 commission determines, based on the investigation, whether
 1114 probable cause exists to believe that a violation has occurred.

1115 (c) The commission shall investigate any lobbying firm,
 1116 lobbyist, principal, agency, officer, or employee upon receipt
 1117 of information from a sworn complaint or from a random audit of
 1118 lobbying reports indicating a possible violation other than a
 1119 late-filed report.

1120 (d)1. Records relating to an audit conducted pursuant to

1121 | this section or an investigation conducted pursuant to this
 1122 | section or s. 112.32155 are confidential and exempt from s.
 1123 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

1124 | 2. Any portion of a meeting wherein such investigation or
 1125 | audit is discussed is exempt from s. 286.011 and s. 24(b), Art.
 1126 | I of the State Constitution.

1127 | 3. The exemptions no longer apply if the lobbying firm
 1128 | requests in writing that such investigation and associated
 1129 | records and meetings be made public or the commission determines
 1130 | there is probable cause that the audit reflects a violation of
 1131 | the reporting laws.

1132 | (14) Any person who is required to be registered or to
 1133 | provide information under this section or under rules adopted
 1134 | pursuant to this section and who knowingly fails to disclose any
 1135 | material fact that is required by this section or related rules,
 1136 | or who knowingly provides false information on any report
 1137 | required by this section or related rules, commits a noncriminal
 1138 | infraction, punishable by a fine not to exceed \$5,000. This fine
 1139 | is in addition to any other penalty assessed by the Governor and
 1140 | Cabinet pursuant to subsection (10).

1141 | Section 12. Section 112.324, Florida Statutes, is amended
 1142 | to read:

1143 | 112.324 Procedures on complaints of violations; public
 1144 | records and meeting exemptions.—

1145 | ~~(1) Upon a written complaint executed on a form prescribed~~
 1146 | ~~by the commission and signed under oath or affirmation by any~~
 1147 | ~~person,~~ The commission shall investigate any alleged violation
 1148 | of this part or any other alleged breach of the public trust

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1149 within the jurisdiction of the commission as provided in s.
1150 8(f), Art. II of the State Constitution ~~in accordance with~~
1151 ~~procedures set forth herein.~~

1152 (a) Such investigation shall commence upon the receipt of:

1153 1. A written complaint executed on a form prescribed by
1154 the commission and signed under oath or affirmation by the
1155 complainant;

1156 2. Reliable and publicly disseminated information that
1157 seven members of the commission deem sufficient to indicate a
1158 breach of the public trust. Commission staff may not undertake a
1159 formal investigation, other than the collection of publicly
1160 disseminated information, before the commission makes a
1161 determination of sufficiency; or

1162 3. A written referral of a possible violation of this part
1163 or other possible breach of the public trust from the Governor,
1164 the Chief Financial Officer, a state attorney, the executive
1165 director of the Department of Law Enforcement, or the statewide
1166 prosecutor, which seven members of the commission deem
1167 sufficient to indicate a breach of the public trust.

1168 (b) Within 5 days after the commission receives receipt of
1169 a complaint, or after the commission determines that there is a
1170 legally sufficient indication of a breach of the public trust
1171 pursuant to publicly disseminated information or a written
1172 referral by the commission, a copy of the complaint or
1173 determination of sufficiency shall be transmitted to the alleged
1174 violator.

1175 (c) A complaint under this part against a candidate in any
1176 general, special, or primary election may not be filed and any

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1177 intention of filing such a complaint may not be disclosed on the
1178 day of such election or within the 5 days immediately preceding
1179 the date of the election.

1180 (2) (a) The complaint and records relating to the complaint
1181 or to any preliminary investigation held by the commission or
1182 its agents, by a Commission on Ethics and Public Trust
1183 established by any county defined in s. 125.011(1) or by any
1184 municipality defined in s. 165.031, or by any county or
1185 municipality that has established a local investigatory process
1186 to enforce more stringent standards of conduct and disclosure
1187 requirements as provided in s. 112.326 are confidential and
1188 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1189 of the State Constitution.

1190 (b) Any proceeding conducted by the commission, a
1191 Commission on Ethics and Public Trust, or a county or
1192 municipality that has established such local investigatory
1193 process, pursuant to a complaint or preliminary investigation,
1194 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1195 the State Constitution, and s. 120.525.

1196 (c) The exemptions in paragraphs (a) and (b) apply until
1197 the complaint is dismissed as legally insufficient, until the
1198 alleged violator requests in writing that such records and
1199 proceedings be made public, or until the commission, a
1200 Commission on Ethics and Public Trust, or a county or
1201 municipality that has established such local investigatory
1202 process determines, based on such investigation, whether
1203 probable cause exists to believe that a violation has occurred.
1204 ~~In no event shall a complaint under this part against a~~

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1205 ~~candidate in any general, special, or primary election be filed~~
1206 ~~or any intention of filing such a complaint be disclosed on the~~
1207 ~~day of any such election or within the 5 days immediately~~
1208 ~~preceding the date of the election.~~

1209 (d) This subsection is subject to the Open Government
1210 Sunset Review Act in accordance with s. 119.15 and shall stand
1211 repealed on October 2, 2015, unless reviewed and saved from
1212 repeal through reenactment by the Legislature.

1213 (3) A preliminary investigation shall be undertaken by the
1214 commission of each legally sufficient complaint or other
1215 indication of a breach of the public trust over which the
1216 commission has jurisdiction to determine whether there is
1217 probable cause to believe that a violation has occurred.

1218 (a) If, upon completion of the preliminary investigation,
1219 the commission finds no probable cause to believe that this part
1220 has been violated or that any other breach of the public trust
1221 has been committed, the commission shall dismiss the complaint
1222 or other determination with the issuance of a public report to
1223 the complainant or referring official and the alleged violator,
1224 stating with particularity its reasons for dismissal ~~of the~~
1225 ~~complaint~~. At that time, the complaint or other alleged breach
1226 of the public trust, and all related materials ~~relating to the~~
1227 ~~complaint~~ shall become a matter of public record.

1228 (b) If the commission finds from the preliminary
1229 investigation probable cause to believe that this part has been
1230 violated or that any other breach of the public trust has been
1231 committed, it shall so notify the complainant or referring
1232 official and the alleged violator in writing. The Such

1233 notification and all documents made or received in the
 1234 determination of probable cause ~~disposition of the complaint~~
 1235 shall ~~then~~ become public records. Upon request submitted to the
 1236 commission in writing, any person who the commission finds
 1237 probable cause to believe has violated any provision of this
 1238 part or has committed any other breach of the public trust is
 1239 ~~shall be~~ entitled to a public hearing. Such person shall be
 1240 deemed to have waived the right to a public hearing if the
 1241 request is not received within 14 days following the mailing of
 1242 the probable cause notification required by this subsection.
 1243 However, the commission may on its own motion, require a public
 1244 hearing, may conduct such further investigation as it deems
 1245 necessary, and may enter into such stipulations and settlements
 1246 as it finds to be just and in the best interest of the state.
 1247 The commission is without jurisdiction to, and a ~~no~~ respondent
 1248 may not voluntarily or involuntarily, enter into a stipulation
 1249 or settlement that ~~which~~ imposes any penalty, including, but not
 1250 limited to, a sanction or admonition or any other penalty
 1251 contained in s. 112.317. Penalties shall be imposed only by the
 1252 appropriate disciplinary authority as designated in this
 1253 section.

1254 (4) If, in cases pertaining to members of the Legislature,
 1255 upon completion of a full and final investigation by the
 1256 commission, the commission finds that there has been a violation
 1257 of this part or of any provision of s. 8, Art. II of the State
 1258 Constitution, the commission shall forward a copy of the
 1259 complaint or referral and its findings by certified mail to the
 1260 President of the Senate or the Speaker of the House of

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1261 Representatives, whichever is applicable, who shall refer the
1262 matter ~~complaint~~ to the appropriate committee for investigation
1263 and action, which shall be governed by the rules of its
1264 respective house. ~~It shall be the duty of~~ The committee shall ~~to~~
1265 report its final action upon the matter ~~complaint~~ to the
1266 commission within 90 days after ~~of~~ the date of transmittal to
1267 the respective house. Upon request of the committee, the
1268 commission shall submit a recommendation as to what penalty, if
1269 any, should be imposed. In the case of a member of the
1270 Legislature, the house in which the member serves is empowered
1271 ~~shall have the power~~ to invoke the penalty provisions of this
1272 part.

1273 (5) If, in cases ~~pertaining to complaints~~ against
1274 impeachable officers, upon completion of a full and final
1275 investigation by the commission, the commission finds that there
1276 has been a violation of this part or of any provision of s. 8,
1277 Art. II of the State Constitution, and the commission finds that
1278 the violation may constitute grounds for impeachment, the
1279 commission shall forward a copy of the complaint or referral and
1280 its findings by certified mail to the Speaker of the House of
1281 Representatives, who shall refer the matter ~~complaint~~ to the
1282 appropriate committee for investigation and action, which shall
1283 be governed by the rules of the House of Representatives. It is
1284 ~~shall be~~ the duty of the committee to report its final action
1285 upon the matter ~~complaint~~ to the commission within 90 days after
1286 ~~of~~ the date of transmittal.

1287 (6) If the commission finds that there has been a
1288 violation of this part or of any provision of s. 8, Art. II of

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1289 the State Constitution by an impeachable officer other than the
1290 Governor, and the commission recommends public censure and
1291 reprimand, forfeiture of a portion of the officer's salary, a
1292 civil penalty, or restitution, the commission shall report its
1293 findings and recommendation of disciplinary action to the
1294 Governor, who is empowered ~~shall have the power~~ to invoke the
1295 penalty provisions of this part.

1296 (7) If the commission finds that there has been a
1297 violation of this part or of any provision of s. 8, Art. II of
1298 the State Constitution by the Governor, and the commission
1299 recommends public censure and reprimand, forfeiture of a portion
1300 of the Governor's salary, a civil penalty, or restitution, the
1301 commission shall report its findings and recommendation of
1302 disciplinary action to the Attorney General, who is empowered
1303 ~~shall have the power~~ to invoke the penalty provisions of this
1304 part.

1305 (8) If, in cases ~~pertaining to complaints~~ other than
1306 ~~complaints~~ against impeachable officers or members of the
1307 Legislature, upon completion of a full and final investigation
1308 by the commission, the commission finds that there has been a
1309 violation of this part or of s. 8, Art. II of the State
1310 Constitution, ~~it shall be the duty of the commission~~ shall ~~to~~
1311 report its findings and recommend appropriate action to the
1312 proper disciplinary official or body as follows, and such
1313 official or body may ~~shall have the power to~~ invoke the penalty
1314 provisions of this part, including the power to order the
1315 appropriate elections official to remove a candidate from the
1316 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.

1317 II of the State Constitution:

1318 (a) The President of the Senate and the Speaker of the
 1319 House of Representatives, jointly, in any case concerning the
 1320 Public Counsel, members of the Public Service Commission,
 1321 members of the Public Service Commission Nominating Council, the
 1322 Auditor General, or the director of the Office of Program Policy
 1323 Analysis and Government Accountability.

1324 (b) The Supreme Court, in any case concerning an employee
 1325 of the judicial branch.

1326 (c) The President of the Senate, in any case concerning an
 1327 employee of the Senate; the Speaker of the House of
 1328 Representatives, in any case concerning an employee of the House
 1329 of Representatives; or the President and the Speaker, jointly,
 1330 in any case concerning an employee of a committee of the
 1331 Legislature whose members are appointed solely by the President
 1332 and the Speaker or in any case concerning an employee of the
 1333 Public Counsel, Public Service Commission, Auditor General, or
 1334 Office of Program Policy Analysis and Government Accountability.

1335 (d) Except as otherwise provided by this part, the
 1336 Governor, in the case of any other public officer, public
 1337 employee, former public officer or public employee, candidate or
 1338 former candidate, or person who is not a public officer or
 1339 employee, other than lobbyists and lobbying firms under s.
 1340 112.3215 for violations of s. 112.3215.

1341 (e) The President of the Senate or the Speaker of the
 1342 House of Representatives, as ~~whichever is~~ applicable, in any
 1343 case concerning a former member of the Legislature who has
 1344 violated a provision applicable to former members or whose

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1345 violation occurred while a member of the Legislature.

1346 (9) In addition to reporting its findings to the proper
1347 disciplinary body or official, the commission shall report these
1348 findings to the state attorney or any other appropriate official
1349 or agency having authority to initiate prosecution if a ~~when~~
1350 violation of criminal law is indicated.

1351 (10) Notwithstanding the foregoing procedures of this
1352 section, a sworn complaint against any member or employee of the
1353 Commission on Ethics for violation of this part or of s. 8, Art.
1354 II of the State Constitution shall be filed with the President
1355 of the Senate and the Speaker of the House of Representatives.
1356 Each presiding officer shall, after determining that there are
1357 sufficient grounds for review, appoint three members of their
1358 respective bodies to a special joint committee to ~~who shall~~
1359 investigate the complaint. The members shall elect a chair from
1360 among their number. If the special joint committee finds
1361 insufficient evidence to establish probable cause to believe a
1362 violation ~~of this part or of s. 8, Art. II of the State~~
1363 ~~Constitution~~ has occurred, it shall dismiss the complaint. If,
1364 upon completion of its preliminary investigation, the committee
1365 finds sufficient evidence to establish probable cause to believe
1366 a violation has occurred, the chair thereof shall transmit such
1367 findings to the Governor who shall convene a meeting of the
1368 Governor, the President of the Senate, the Speaker of the House
1369 of Representatives, and the Chief Justice of the Supreme Court
1370 to take such final action on the complaint as they shall deem
1371 appropriate, consistent with the penalty provisions of this
1372 part. Upon request of a majority of the Governor, the President

1373 of the Senate, the Speaker of the House of Representatives, and
 1374 the Chief Justice of the Supreme Court, the special joint
 1375 committee shall submit a recommendation as to what penalty, if
 1376 any, should be imposed.

1377 (11) Notwithstanding ~~the provisions of~~ subsections (1)-
 1378 (8), the commission may, ~~at its discretion,~~ dismiss any
 1379 complaint or other indication of a breach of the public trust at
 1380 any stage of disposition if should it finds ~~determine~~ that the
 1381 public interest would not be served by proceeding further, in
 1382 which case the commission shall issue a public report stating
 1383 with particularity its reasons for the dismissal.

1384 Section 13. Paragraph (c) of subsection (1) of section
 1385 310.151, Florida Statutes, is amended to read:

1386 310.151 Rates of pilotage; Pilotage Rate Review
 1387 Committee.—

1388 (1)

1389 (c) Committee members must ~~shall~~ comply with the
 1390 disclosure requirements of s. 112.3143(3) ~~112.3143(4)~~ if
 1391 participating in any matter that would result in special private
 1392 gain or loss as described in that subsection.

1393 Section 14. Paragraph (a) of subsection (5) of section
 1394 411.01, Florida Statutes, is amended to read:

1395 411.01 School readiness programs; early learning
 1396 coalitions.—

1397 (5) CREATION OF EARLY LEARNING COALITIONS.—

1398 (a) *Early learning coalitions.*—

1399 1. Each early learning coalition shall maintain direct
 1400 enhancement services at the local level and ensure access to

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1401 such services in all 67 counties.

1402 2. The Office of Early Learning shall establish the
1403 minimum number of children to be served by each early learning
1404 coalition through the coalition's school readiness program. The
1405 office ~~of Early Learning~~ may only approve school readiness plans
1406 in accordance with this minimum number. The minimum number must
1407 be uniform for every early learning coalition and must:

1408 a. Permit 31 or fewer coalitions to be established; and
1409 b. Require each coalition to serve at least 2,000 children
1410 based upon the average number of all children served per month
1411 through the coalition's school readiness program during the
1412 previous 12 months.

1413 3. If an early learning coalition would serve fewer
1414 children than the minimum number established under subparagraph
1415 2., the coalition must merge with another county to form a
1416 multicounty coalition. The Office of Early Learning shall adopt
1417 procedures for merging early learning coalitions, including
1418 procedures for the consolidation of merging coalitions, and for
1419 the early termination of the terms of coalition members which
1420 are necessary to accomplish the mergers. However, the office ~~of~~
1421 ~~Early Learning~~ shall grant a waiver to an early learning
1422 coalition to serve fewer children than the minimum number
1423 established under subparagraph 2., if:

1424 a. The office ~~of Early Learning~~ has determined during the
1425 most recent review of the coalition's school readiness plan, or
1426 through monitoring and performance evaluations conducted under
1427 paragraph (4)(1), that the coalition has substantially
1428 implemented its plan;

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1429 b. The coalition demonstrates to the office ~~of Early~~
1430 ~~Learning~~ the coalition's ability to effectively and efficiently
1431 implement the Voluntary Prekindergarten Education Program; and

1432 c. The coalition demonstrates to the office ~~of Early~~
1433 ~~Learning~~ that the coalition can perform its duties in accordance
1434 with law.

1435

1436 If an early learning coalition fails or refuses to merge as
1437 required by this subparagraph, the Office of Early Learning may
1438 dissolve the coalition and temporarily contract with a qualified
1439 entity to continue school readiness and prekindergarten services
1440 in the coalition's county or multicounty region until the office
1441 reestablishes the coalition and a new school readiness plan is
1442 approved by the office.

1443 4. Each early learning coalition shall be composed of at
1444 least 15 members but not more than 30 members. The Office of
1445 Early Learning shall adopt standards establishing within this
1446 range the minimum and maximum number of members that may be
1447 appointed to an early learning coalition and procedures for
1448 identifying which members have voting privileges under
1449 subparagraph 6. These standards must include variations for a
1450 coalition serving a multicounty region. Each early learning
1451 coalition must comply with these standards.

1452 5. The Governor shall appoint the chair and two other
1453 members of each early learning coalition, who must each meet the
1454 same qualifications as private sector business members appointed
1455 by the coalition under subparagraph 7.

1456 6. Each early learning coalition must include the

1457 following member positions; however, in a multicounty coalition,
1458 each ex officio member position may be filled by multiple
1459 nonvoting members but no more than one voting member shall be
1460 seated per member position. If an early learning coalition has
1461 more than one member representing the same entity, only one of
1462 such members may serve as a voting member:

1463 a. A Department of Children and Family Services circuit
1464 administrator or his or her designee who is authorized to make
1465 decisions on behalf of the department.

1466 b. A district superintendent of schools or his or her
1467 designee who is authorized to make decisions on behalf of the
1468 district.

1469 c. A regional workforce board executive director or his or
1470 her designee.

1471 d. A county health department director or his or her
1472 designee.

1473 e. A children's services council or juvenile welfare board
1474 chair or executive director, if applicable.

1475 f. An agency head of a local licensing agency as defined
1476 in s. 402.302, where applicable.

1477 g. A president of a community college or his or her
1478 designee.

1479 h. One member appointed by a board of county commissioners
1480 or the governing board of a municipality.

1481 i. A central agency administrator, where applicable.

1482 j. A Head Start director.

1483 k. A representative of private for-profit child care
1484 providers, including private for-profit family day care homes.

1485 1. A representative of faith-based child care providers.
 1486 m. A representative of programs for children with
 1487 disabilities under the federal Individuals with Disabilities
 1488 Education Act.

1489 7. Including the members appointed by the Governor under
 1490 subparagraph 5., more than one-third of the members of each
 1491 early learning coalition must be private sector business members
 1492 who do not have, and none of whose relatives as defined in s.
 1493 112.3143 has, a substantial financial interest in the design or
 1494 delivery of the Voluntary Prekindergarten Education Program
 1495 created under part V of chapter 1002 or the coalition's school
 1496 readiness program. To meet this requirement an early learning
 1497 coalition must appoint additional members. The Office of Early
 1498 Learning shall establish criteria for appointing private sector
 1499 business members. These criteria must include standards for
 1500 determining whether a member or relative has a substantial
 1501 financial interest in the design or delivery of the Voluntary
 1502 Prekindergarten Education Program or the coalition's school
 1503 readiness program.

1504 8. A majority of the voting membership of an early
 1505 learning coalition constitutes a quorum required to conduct the
 1506 business of the coalition. An early learning coalition board may
 1507 use any method of telecommunications to conduct meetings,
 1508 including establishing a quorum through telecommunications if
 1509 ~~provided that~~ the public is given proper notice of a
 1510 telecommunications meeting and reasonable access to observe and,
 1511 when appropriate, participate.

1512 9. A voting member of an early learning coalition may not

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1513 | appoint a designee to act in his or her place, except as
1514 | otherwise provided in this paragraph. A voting member may send a
1515 | representative to coalition meetings, but that representative
1516 | does not have voting privileges. If ~~When~~ a district
1517 | administrator for the Department of Children and Family Services
1518 | appoints a designee to an early learning coalition, the designee
1519 | is the voting member of the coalition, and any individual
1520 | attending in the designee's place, including the district
1521 | administrator, does not have voting privileges.

1522 | 10. Each member of an early learning coalition is subject
1523 | to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
1524 | 112.3143(3) ~~s. 112.3143(3)(a)~~, each voting member is a local
1525 | public officer who must abstain from voting when a voting
1526 | conflict exists.

1527 | 11. For purposes of tort liability, each member or
1528 | employee of an early learning coalition is ~~shall be~~ governed by
1529 | s. 768.28.

1530 | 12. An early learning coalition serving a multicounty
1531 | region must include representation from each county.

1532 | 13. Each early learning coalition shall establish terms
1533 | for all appointed members of the coalition. The terms must be
1534 | staggered and must be a uniform length that does not exceed 4
1535 | years per term. Coalition chairs shall be appointed for 4 years
1536 | in conjunction with their membership on the Early Learning
1537 | Advisory Council under s. 20.052. Appointed members may serve a
1538 | maximum of two consecutive terms. If ~~When~~ a vacancy occurs in an
1539 | appointed position, the coalition must advertise the vacancy.

1540 | Section 15. This act shall take effect July 1, 2013.