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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/23/2013	.	
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	.	

The Committee on Ethics and Elections (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 555 - 560
and insert:

Section 7. Subsection (2) and paragraph (h) of subsection 5 of section 112.3144, Florida Statutes, are amended, present subsection (7) is renumbered as subsection (9), and new subsections (7) and (8) are added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(2) A person who is required, pursuant to s. 8, Art. II of



825436

13 the State Constitution, to file a full and public disclosure of
14 financial interests and who has filed a full and public
15 disclosure of financial interests for any calendar or fiscal
16 year shall not be required to file a statement of financial
17 interests pursuant to s. 112.3145(2) and (3) for the same year
18 or for any part thereof notwithstanding any requirement of this
19 part., ~~except that~~ A candidate for office who has filed a full
20 and public disclosure of financial interests when qualifying as
21 a candidate before July 1 shall file a copy of that disclosure
22 with the commission, instead of filing a second original
23 disclosure as the annual disclosure required under this section.
24 A candidate who does not qualify until after the annual full and
25 public disclosure has been filed pursuant to this section shall
26 file a copy of his or her disclosure with the officer before
27 whom he or she qualifies.

28 Delete lines 684 - 689
29 and insert:

30 Section 9. Paragraphs (a) and (b) of subsection (1),
31 paragraph (a) of subsection (2), subsection (3), and paragraph
32 (i) of subsection (6) of section 112.3145, Florida Statutes, are
33 amended, present subsection (9) of that section is renumbered as
34 subsection (11), and new subsections (9) and (10) are added to
35 that section to read:

36 112.3145 Disclosure of financial interests and clients
37 represented before agencies.—

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

40 (a) "Local officer" means:

41 1. Every person who is elected to office in any political



825436

42 subdivision of the state, and every person who is appointed to
43 fill a vacancy for an unexpired term in such an elective office.

44 2. Any appointed member of any of the following boards,
45 councils, commissions, authorities, or other bodies of any
46 county, municipality, school district, independent special
47 district, or other political subdivision of the state:

48 a. The governing body of the political subdivision, if
49 appointed;

50 ~~b. An expressway authority or transportation authority~~
51 ~~established by general law;~~

52 ~~b.e.~~ A community college or junior college district board
53 of trustees;

54 ~~c.d.~~ A board having the power to enforce local code
55 provisions;

56 ~~d.e.~~ A planning or zoning board, board of adjustment, board
57 of appeals, community redevelopment agency board, or other board
58 having the power to recommend, create, or modify land planning
59 or zoning within the political subdivision, except for citizen
60 advisory committees, technical coordinating committees, and such
61 other groups who only have the power to make recommendations to
62 planning or zoning boards;

63 ~~e.f.~~ A pension board or retirement board having the power
64 to invest pension or retirement funds or the power to make a
65 binding determination of one's entitlement to or amount of a
66 pension or other retirement benefit; or

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



825436

71 3. Any person holding one or more of the following
72 positions: mayor; county or city manager; chief administrative
73 employee of a county, municipality, or other political
74 subdivision; county or municipal attorney; finance director of a
75 county, municipality, or other political subdivision; chief
76 county or municipal building code inspector; county or municipal
77 water resources coordinator; county or municipal pollution
78 control director; county or municipal environmental control
79 director; county or municipal administrator, with power to grant
80 or deny a land development permit; chief of police; fire chief;
81 municipal clerk; district school superintendent; community
82 college president; district medical examiner; or purchasing
83 agent having the authority to make any purchase exceeding the
84 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
85 behalf of any political subdivision of the state or any entity
86 thereof.

87 (b) "Specified state employee" means:

88 1. Public counsel created by chapter 350, an assistant
89 state attorney, an assistant public defender, a criminal
90 conflict and civil regional counsel, an assistant criminal
91 conflict and civil regional counsel, a full-time state employee
92 who serves as counsel or assistant counsel to any state agency,
93 the Deputy Chief Judge of Compensation Claims, a judge of
94 compensation claims, an administrative law judge, or a hearing
95 officer.

96 2. Any person employed in the office of the Governor or in
97 the office of any member of the Cabinet if that person is exempt
98 from the Career Service System, except persons employed in
99 clerical, secretarial, or similar positions.



825436

100 3. The State Surgeon General or each appointed secretary,
101 assistant secretary, deputy secretary, executive director,
102 assistant executive director, or deputy executive director of
103 each state department, commission, board, or council; unless
104 otherwise provided, the division director, assistant division
105 director, deputy director, bureau chief, and assistant bureau
106 chief of any state department or division; or any person having
107 the power normally conferred upon such persons, by whatever
108 title.

109 4. The superintendent or institute director of a state
110 mental health institute established for training and research in
111 the mental health field or the warden or director of any major
112 state institution or facility established for corrections,
113 training, treatment, or rehabilitation.

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

118 6. Any person, other than a legislative assistant exempted
119 by the presiding officer of the house by which the legislative
120 assistant is employed, who is employed in the legislative branch
121 of government, except persons employed in maintenance, clerical,
122 secretarial, or similar positions.

123 7. Each employee of the Commission on Ethics.

124 (2) (a) A person seeking nomination or election to a state
125 or local elective office shall file a statement of financial
126 interests together with, and at the same time he or she files,
127 qualifying papers. A candidate for office who has filed a
128 statement of financial interests when qualifying as a candidate



825436

129 before July 1 shall file a copy of that statement with the
130 commission, instead of filing a second original statement, as
131 the annual disclosure required pursuant to this section, and a
132 candidate who does not qualify until after the annual statement
133 of financial interests has been filed under this section shall
134 file a copy of his or her disclosure with the officer before
135 whom he or she qualifies.

136 (3) The statement of financial interests for state
137 officers, specified state employees, local officers, and persons
138 seeking to qualify as candidates for state or local office shall
139 be filed even if the reporting person holds no financial
140 interests requiring disclosure, in which case the statement
141 shall be marked "not applicable." Otherwise, the statement of
142 financial interests shall include, at the filer's option,
143 either:

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

151 2. All sources of income to a business entity in excess of
152 10 percent of the gross income of a business entity in which the
153 reporting person held a material interest and from which he or
154 she received an amount which was in excess of 10 percent of his
155 or her gross income during the disclosure period and which
156 exceeds \$1,500. The period for computing the gross income of the
157 business entity is the fiscal year of the business entity which



158 ended on, or immediately prior to, the end of the disclosure
159 period of the person reporting;

160 3. The location or description of real property in this
161 state, except for residences and vacation homes, owned directly
162 or indirectly by the person reporting, when such person owns in
163 excess of 5 percent of the value of such real property, and a
164 general description of any intangible personal property worth in
165 excess of 10 percent of such person's total assets. For the
166 purposes of this paragraph, indirect ownership does not include
167 ownership by a spouse or minor child; and

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

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

177 2. All sources of income to a business entity in excess of
178 10 percent of the gross income of a business entity in which the
179 reporting person held a material interest and from which he or
180 she received gross income exceeding \$5,000 during the disclosure
181 period. The period for computing the gross income of the
182 business entity is the fiscal year of the business entity which
183 ended on, or immediately prior to, the end of the disclosure
184 period of the person reporting;

185 3. The location or description of real property in this
186 state, except for residence and vacation homes, owned directly



825436

187 or indirectly by the person reporting, when such person owns in
188 excess of 5 percent of the value of such real property, and a
189 general description of any intangible personal property worth in
190 excess of \$10,000. For the purpose of this paragraph, indirect
191 ownership does not include ownership by a spouse or minor child;
192 and

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

194
195 A person filing a statement of financial interests shall
196 indicate on the statement whether he or she is using the method
197 specified in paragraph (a) or paragraph (b) of this subsection.
198

199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete line 53

202 and insert:

203 her respective house; amending s. 112.3144, F.S.;

204 authorizing a candidate to file the same full and

205 public disclosure of financial interests with his or

206 her qualifying officer or the commission under

207 specified conditions;

208 Delete line 91

209 and insert:

210 commission's proposal; amending s. 112.3145, F.S.;

211 revising the definitions of "local officer" and

212 "specified state employee"; authorizing a candidate to

213 file the same statement of financial interests with

214 his or her qualifying officer or the commission under

215 specified conditions; requiring a person filing a



825436

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statement of financial interest to indicate the method
of reporting income;