

FOR CONSIDERATION By the Committee on Ethics and Elections

582-00635A-13

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

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

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59 file an amended statement during a specified timeframe
60 under specified conditions; authorizing the commission
61 to immediately follow complaint procedures under
62 specified conditions; prohibiting the commission from
63 taking action on complaints alleging immaterial,
64 inconsequential, or de minimis errors or omissions;
65 providing what constitutes an immaterial,
66 inconsequential, or de minimis error or omission;
67 authorizing an individual required to file a
68 disclosure to have the statement prepared by a
69 certified public accountant; requiring a certified
70 public accountant to attest to the veracity of the
71 disclosure; requiring the commission to determine if a
72 certified public accountant failed to disclose
73 information provided by the filing individual on the
74 filed statement; providing that the filing individual
75 is not in violation of the section if a certified
76 public accountant was in custody of such information
77 but failed to disclose it on the statement;
78 authorizing an elected officer or candidate to use
79 funds in an office account or campaign depository to
80 pay a certified public accountant for preparing a
81 disclosure; creating s. 112.31445, F.S.; providing a
82 definition for "electronic filing system"; requiring
83 all disclosures of financial interests filed with the
84 commission to be scanned and made publicly available
85 on a searchable Internet database beginning with the
86 2012 filing year; requiring the commission to submit a
87 proposal to the President of the Senate and the

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88 Speaker of the House of Representatives for a
89 mandatory electronic filing system by a specified
90 date; establishing minimum requirements for the
91 commission's proposal; amending s. 112.3145, F.S.;
92 authorizing the commission or the Department of
93 Financial Services to collect an unpaid fine within a
94 specified period of the initial report of the
95 automatic fine; providing timeframes for the filing of
96 certain complaints; authorizing filing individuals to
97 file an amended statement during a specified timeframe
98 under specified conditions; authorizing the commission
99 to immediately follow complaint procedures under
100 specified conditions; prohibiting the commission from
101 taking action on complaints alleging immaterial,
102 inconsequential, or de minimis errors or omissions;
103 providing what constitutes an immaterial,
104 inconsequential, or de minimis error or omission;
105 authorizing an individual required to file a
106 disclosure to have the statement prepared by a
107 certified public accountant; requiring a certified
108 public accountant to attest to the veracity of the
109 disclosure; requiring the commission to determine if a
110 certified public accountant failed to disclose
111 information provided by the filing individual on the
112 filed statement; providing that the filing individual
113 is not in violation of the section if a certified
114 public accountant was in custody of such information
115 but failed to disclose it on the statement;
116 authorizing an elected officer or candidate to use

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117 funds in an office account or campaign depository to
118 pay a certified public accountant for preparing a
119 disclosure; creating s. 112.31455, F.S.; requiring the
120 commission to determine whether an individual owing
121 certain fines is a current public officer or public
122 employee or is currently receiving public contract
123 payments; requiring the commission to notify the Chief
124 Financial Officer or the governing body of a county,
125 municipality, or special district of the total amount
126 of any fine owed to the commission by such
127 individuals; requiring that the Chief Financial
128 Officer or the governing body of a county,
129 municipality, or special district begin withholding 10
130 percent of any payment from public monies that would
131 otherwise be paid to the current public officer,
132 public employee, or individual currently receiving
133 public contract payments; requiring that the withheld
134 payments be remitted to the commission until the fine
135 is satisfied; authorizing the Chief Financial Officer
136 or the governing body to retain a percentage of
137 payment for administrative costs; authorizing
138 collection methods for the commission or the
139 Department of Financial Services for individuals who
140 are no longer public officers or public employees or
141 who are no longer receiving public contract payments;
142 amending s. 112.3147, F.S.; providing an exception to
143 the requirement that all forms be prescribed by the
144 commission; amending s. 112.3148, F.S.; deleting
145 references to political committees and committees of

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146 continuous existence; creating s. 112.31485, F.S.;

147 providing definitions for "gift" and "immediate

148 family"; prohibiting a reporting individual or

149 procurement employee or a member of his or her

150 immediate family from soliciting or knowingly

151 accepting any gift from a political committee or

152 committee of continuous existence; prohibiting a

153 political committee or committee of continuous

154 existence from giving any gift to a reporting

155 individual or procurement employee or a member of his

156 or her immediate family; providing penalties for a

157 violation; requiring that individuals who violate this

158 section be held personally liable; reenacting ss.

159 112.317(1)-(5), F.S., relating to civil penalties, to

160 incorporate the amendments made to s. 112.3143, F.S.,

161 and the creation of s. 112.31485, F.S., in a reference

162 thereto; amending s. 112.324, F.S.; authorizing

163 specified parties to submit written referrals of a

164 possible violation of the Code of Ethics for Public

165 Officers and Employees or other possible breaches of

166 the public trust to the Commission on Ethics;

167 establishing procedures for the receipt of written

168 referrals by the commission; extending the period in

169 which the disclosure of the intent to file or the

170 filing of a complaint against a candidate is

171 prohibited; providing exceptions; requiring the

172 commission to dismiss a complaint of a de minimus

173 violation; providing exceptions; defining a de minimus

174 violation; reenacting s. 120.665, F.S., relating to

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175 disqualification of agency personnel, to incorporate
176 the amendments to s. 112.3143, F.S., in a reference
177 thereto; reenacting s. 286.012, F.S., relating to
178 voting requirements at meetings of governmental
179 bodies, to incorporate the amendments made to s.
180 112.3143, F.S., in a reference thereto; reenacting s.
181 287.175, F.S., relating to penalties, to incorporate
182 the amendments made to s. 112.324, F.S., in a
183 reference thereto; reenacting s. 288.901(1)(c), F.S.,
184 relating to Enterprise Florida, Inc., to incorporate
185 the amendments made to s. 112.3143, F.S., in a
186 reference thereto; amending s. 445.007, F.S., and
187 reenacting subsection (1), relating to regional
188 workforce boards, to incorporate the amendments made
189 to s. 112.3143, F.S., in a reference thereto;
190 correcting cross-references; reenacting s.
191 627.311(5)(m), F.S., relating to joint underwriters
192 and joint reinsurers, to incorporate the amendments
193 made to s. 112.3143, F.S., in a reference thereto;
194 reenacting s. 627.351(6)(d), F.S., relating to
195 Citizens Property Insurance Corporation, to
196 incorporate the amendments made to s. 112.3143, F.S.;
197 providing an effective date.

198

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

200

201 Section 1. Paragraph (b) of subsection (12) of section
202 112.312, Florida Statutes, is amended to read:

203 112.312 Definitions.—As used in this part and for purposes

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204 of the provisions of s. 8, Art. II of the State Constitution,
205 unless the context otherwise requires:

206 (12)

207 (b) "Gift" does not include:

208 1. Salary, benefits, services, fees, commissions, gifts, or
209 expenses associated primarily with the donee's employment,
210 business, or service as an officer or director of a corporation
211 or organization.

212 2. Except as provided in s. 112.31485, contributions or
213 expenditures reported pursuant to chapter 106, contributions or
214 expenditures reported pursuant to federal election law,
215 campaign-related personal services provided without compensation
216 by individuals volunteering their time, or any other
217 contribution or expenditure by a political party or affiliated
218 party committee.

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

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

224 5. An honorary membership in a service or fraternal
225 organization presented merely as a courtesy by such
226 organization.

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

229 7. Transportation provided to a public officer or employee
230 by an agency in relation to officially approved governmental
231 business.

232 8. Gifts provided directly or indirectly by a state,

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233 regional, or national organization which promotes the exchange
234 of ideas between, or the professional development of,
235 governmental officials or employees, and whose membership is
236 primarily composed of elected or appointed public officials or
237 staff, to members of that organization or officials or staff of
238 a governmental agency that is a member of that organization.

239 Section 2. Section 112.3125, Florida Statutes, is created
240 to read:

241 112.3125 Dual public employment.-

242 (1) As used in this section, the term "public officer"
243 includes any person who is elected to either house of the
244 Legislature or, for the period of his or her candidacy, any
245 person who has qualified as a candidate for legislative office.

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

248 (3) A person who was employed by the state or any of its
249 political subdivisions before qualifying as a public officer for
250 his or her current term of office, or the next available term of
251 office, may continue his or her employment except as otherwise
252 provided by law. However, he or she may not accept promotion,
253 advancement, additional compensation, or anything of value that
254 he or she knows, or with the exercise of reasonable care should
255 know, is provided or given as a result of his or her election or
256 position, or that is otherwise inconsistent with the promotion,
257 advancement, additional compensation, or anything of value
258 provided or given an employee who is similarly situated.

259 (4) This section does not apply to a qualified person
260 seeking a position as an educator whose primary duties are
261 instructional, as opposed to managerial or administrative, in

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262 nature.

263 Section 3. Paragraph (a) of subsection (9) of section
264 112.313, Florida Statutes, is amended to read:

265 112.313 Standards of conduct for public officers, employees
266 of agencies, and local government attorneys.—

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

269 (a)1. It is the intent of the Legislature to implement by
270 statute the provisions of s. 8(e), Art. II of the State
271 Constitution relating to legislators, statewide elected
272 officers, appointed state officers, and designated public
273 employees.

274 2. As used in this paragraph:

275 a. "Employee" means:

276 (I) Any person employed in the executive or legislative
277 branch of government holding a position in the Senior Management
278 Service as defined in s. 110.402 or any person holding a
279 position in the Selected Exempt Service as defined in s. 110.602
280 or any person having authority over policy or procurement
281 employed by the Department of the Lottery.

282 (II) The Auditor General, the director of the Office of
283 Program Policy Analysis and Government Accountability, the
284 Sergeant at Arms and Secretary of the Senate, and the Sergeant
285 at Arms and Clerk of the House of Representatives.

286 (III) The executive director and deputy executive director
287 of the Commission on Ethics.

288 (IV) An executive director, staff director, or deputy staff
289 director of each joint committee, standing committee, or select
290 committee of the Legislature; an executive director, staff

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291 director, executive assistant, analyst, or attorney of the
292 Office of the President of the Senate, the Office of the Speaker
293 of the House of Representatives, the Senate Majority Party
294 Office, Senate Minority Party Office, House Majority Party
295 Office, or House Minority Party Office; or any person, hired on
296 a contractual basis, having the power normally conferred upon
297 such persons, by whatever title.

298 (V) The Chancellor and Vice Chancellors of the State
299 University System; the general counsel to the Board of Governors
300 of the State University System; and the president, provost, vice
301 presidents, and deans of each state university.

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

305 b. "Appointed state officer" means any member of an
306 appointive board, commission, committee, council, or authority
307 of the executive or legislative branch of state government whose
308 powers, jurisdiction, and authority are not solely advisory and
309 include the final determination or adjudication of any personal
310 or property rights, duties, or obligations, other than those
311 relative to its internal operations.

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

315 3. No member of the Legislature, appointed state officer,
316 or statewide elected officer shall personally represent another
317 person or entity for compensation before the government body or
318 agency of which the individual was an officer or member for a
319 period of 2 years following vacation of office. No member of the

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320 Legislature shall personally represent another person or entity
321 for compensation during his or her term of office, or for a
322 period of 2 years following vacation of office, before any state
323 agency other than judicial tribunals or in settlement
324 negotiations after the filing of a lawsuit. No member shall
325 associate as a partner, principal, or employee of a firm whose
326 primary purpose is lobbying the Legislature for a period of 2
327 years following vacation of office for the purpose of drafting,
328 strategizing, consulting, advising or in any way working on
329 matters that will come before the Legislature, or provide
330 networking or relationship building services with sitting
331 members of the Legislature. For purposes of this prohibition,
332 employment, partnership, or association with a principal, firm,
333 or entity whose primary purpose is legislative lobbying is
334 presumptively prohibited unless the principal, firm, entity, or
335 former member first seeks an opinion from the commission. The
336 employer, association or partnership, principal, firm, or entity
337 affiliating with a former member of the Legislature must file
338 annually a sworn statement with the Secretary of the Senate or
339 the Clerk of the House of Representatives affirming that the
340 former member did not engage in any of the prohibited
341 activities. If the former member who is employed as a lobbyist
342 served in both houses of the Legislature, the employer,
343 association or partnership, principal, firm, or entity
344 affiliating with the former member must file the sworn statement
345 with the Secretary of the Senate and the Clerk of the House of
346 Representatives.

347 4. An agency employee, including an agency employee who was
348 employed on July 1, 2001, in a Career Service System position

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349 that was transferred to the Selected Exempt Service System under
350 chapter 2001-43, Laws of Florida, may not personally represent
351 another person or entity for compensation before the agency with
352 which he or she was employed for a period of 2 years following
353 vacation of position, unless employed by another agency of state
354 government.

355 5. Any person violating this paragraph shall be subject to
356 the penalties provided in s. 112.317 and a civil penalty of an
357 amount equal to the compensation which the person receives for
358 the prohibited conduct.

359 6. This paragraph is not applicable to:

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

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

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

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

371 e. Any appointed state officer whose term of office began
372 before January 1, 1995, unless reappointed to that office on or
373 after January 1, 1995.

374 Section 4. Section 112.3142, Florida Statutes, is created
375 to read:

376 112.3142 Ethics training for specified constitutional
377 officers.-

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378 (1) As used in this section, the term "constitutional
379 officers" includes the Governor, the Lieutenant Governor, the
380 Attorney General, the Chief Financial Officer, the Commissioner
381 of Agriculture, state attorneys, public defenders, sheriffs, tax
382 collectors, property appraisers, supervisors of elections,
383 clerks of the circuit court, county commissioners, district
384 school board members, and superintendents of schools.

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

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

395 Section 5. Section 112.31425, Florida Statutes, is created
396 to read:

397 112.31425 Qualified blind trusts.-

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

402 (2) If a public officer holds a beneficial interest in a
403 qualified blind trust as described in this section, he or she
404 does not have a conflict of interest prohibited under s.
405 112.313(3) or (7) or a voting conflict of interest under s.
406 112.3143 with regard to matters pertaining to that interest.

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407 (3) The public officer may not attempt to influence or
408 exercise any control over decisions regarding the management of
409 assets in a qualified blind trust. The public officer or any
410 person having a beneficial interest in the qualified blind trust
411 may not make any effort to obtain information with respect to
412 the holdings of the trust, including obtaining a copy of any
413 trust tax return filed or any information relating thereto,
414 except as otherwise provided in this section.

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

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

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

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

432 (d) A direction to the trustee to sell all of an asset
433 initially placed in the trust by the public officer which, in
434 the determination of the public officer, creates a conflict of
435 interest or the appearance thereof due to the subsequent

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436 assumption of duties by the public officer.

437 (5) The public officer shall report the beneficial interest
438 in the qualified blind trust and its value as an asset on his or
439 her financial disclosure form, if the value is required to be
440 disclosed. The public officer shall report the blind trust as a
441 primary source of income on his or her financial disclosure
442 forms and its amount, if the amount of income is required to be
443 disclosed. The public officer is not required to report as a
444 secondary source of income any source of income to the blind
445 trust.

446 (6) In order to constitute a qualified blind trust, the
447 trust established by the public officer must meet the following
448 requirements:

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

450 1. The public officer's spouse, child, parent, grandparent,
451 grandchild, brother, sister, parent-in-law, brother-in-law,
452 sister-in-law, aunt, uncle, or first cousin, or the spouse of
453 any such person;

454 2. A person who is an elected or appointed public officer
455 or a public employee; or

456 3. A person who has been appointed to serve in an agency by
457 the public officer or by a public officer or public employee
458 supervised by the public officer.

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

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

464 2. Give the trustee complete discretion to manage the

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465 trust, including, but not limited to, the power to dispose of
466 and acquire trust assets without consulting or notifying the
467 covered public officer or the person having a beneficial
468 interest in the trust.

469 3. Prohibit communication between the trustee and the
470 public officer, or the person who has a beneficial interest in
471 the trust, concerning the holdings or sources of income of the
472 trust, except amounts of cash value or net income or loss, if
473 such report does not identify any asset or holding, or except as
474 provided in this section.

475 4. Provide that the trust tax return is prepared by the
476 trustee or his or her designee and that any information relating
477 thereto is not disclosed to the public officer or to the person
478 who has a beneficial interest, except as provided in this
479 section.

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

485 6. Prohibit the trustee from disclosing to the public
486 officer or the person who has a beneficial interest any
487 information concerning replacement assets to the trust, except
488 for the minimum tax information that lists only the totals of
489 taxable items from the trust and does not describe the source of
490 individual items of income.

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

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494 1. The date that the agreement is executed;
495 2. The name and address of the trustee; and
496 3. The acknowledgement by the trustee that he or she has
497 agreed to serve as trustee.

498 (7) If the trust is revoked while the covered public
499 official is a public officer, or if the covered public official
500 learns of any replacement assets that have been added to the
501 trust, the covered public official shall file an amendment to
502 his or her most recent financial disclosure statement. The
503 amendment shall be filed no later than 60 days after the date of
504 revocation or the addition of the replacement assets. The
505 covered public official shall disclose the previously unreported
506 pro rata share of the trust's interests in investments or income
507 deriving from any such investments. For purposes of this
508 section, any replacement asset that becomes known to the covered
509 public official shall thereafter be treated as though it were an
510 original asset of the trust.

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

513 112.3143 Voting conflicts.—

514 (1) As used in this section:

515 (a) "Principal" includes the parent organization or
516 subsidiary of any person or entity by which the public officer
517 is retained.

518 (b)-(a) "Public officer" includes any person elected or
519 appointed to hold office in any agency, including any person
520 serving on an advisory body.

521 (c)-(b) "Relative" means any father, mother, son, daughter,
522 husband, wife, brother, sister, father-in-law, mother-in-law,

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

524 (d) "Special private gain or loss" means an economic
525 benefit or harm that the voting official knows would inure to
526 the voting official or his or her relative, business associate,
527 or principal in a unique way or disproportionate to other
528 members of the group.

529 (2) (a) A ~~Ne~~ state public officer may not vote on any matter
530 that the officer knows would inure to his or her special private
531 gain or loss ~~is prohibited from voting in an official capacity~~
532 on any matter. However, Any state public officer who abstains
533 from voting in an official capacity upon any measure that which
534 the officer knows would inure to the officer's special private
535 gain or loss or who votes in an official capacity on a measure
536 that; which he or she knows would inure to the special private
537 gain or loss of any principal by whom the officer is retained or
538 to the parent organization or subsidiary of a corporate
539 principal by which the officer is retained other than an agency
540 as defined in s. 112.312(2); or which the officer knows would
541 inure to the special private gain or loss of a relative or
542 business associate of the public officer, shall make every
543 reasonable effort to, within 15 days after the vote occurs,
544 disclose the nature of his or her interest as a public record in
545 a memorandum filed with the person responsible for recording the
546 minutes of the meeting, who shall incorporate the memorandum in
547 the minutes. If it is not possible for the state public officer
548 to file a memorandum before the vote, the memorandum must be
549 filed with the person responsible for recording the minutes of
550 the meeting no later than 15 days after the vote.

551 (b) A member of the Legislature may satisfy the disclosure

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552 requirements of this section by filing a disclosure form created
553 pursuant to the rules of the member's respective house if the
554 member discloses the information required by this subsection.

555 Section 7. Paragraph (h) of subsection (5) of section
556 112.3144, Florida Statutes, is amended, present subsection (7)
557 is renumbered as subsection (9), and new subsections (7) and (8)
558 are added to that section, to read:

559 112.3144 Full and public disclosure of financial
560 interests.—

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

566 (h) Notwithstanding any provision of chapter 120, any fine
567 imposed under this subsection which is not waived by final order
568 of the commission and which remains unpaid more than 60 days
569 after the notice of payment due or more than 60 days after the
570 commission renders a final order on the appeal must be submitted
571 to the Department of Financial Services as a claim, debt, or
572 other obligation owed to the state, and the department shall
573 assign the collection of such fine to a collection agent as
574 provided in s. 17.20. The commission or the Department of
575 Financial Services may take action to collect any unpaid fine
576 imposed by this subsection within 20 years after the automatic
577 fine is initially reported to the Department of Financial
578 Services.

579 (7) (a) The commission shall treat an amended full and
580 public disclosure of financial interests that is filed prior to

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581 September 1 of the current year as the original filing,
582 regardless of whether a complaint has been filed. If a complaint
583 pertaining to the current year alleges a failure to properly and
584 accurately disclose any information required by this section or
585 if a complaint filed pertaining to a previous reporting period
586 within the preceding 5 years alleges a failure to properly and
587 accurately disclose any information required to be disclosed by
588 this section, the commission may immediately follow complaint
589 procedures in s. 112.324. However, if a complaint filed after
590 August 25 alleges an immaterial, inconsequential, or de minimis
591 error or omission, the commission may not take any action on the
592 complaint, other than notifying the filer of the complaint. The
593 filer must be given 30 days to file an amended full and public
594 disclosure of financial interests correcting any errors. If the
595 filer does not file an amended full and public disclosure of
596 financial interests within 30 days after the commission sends
597 notice of the complaint, the commission may continue with
598 proceedings pursuant to s. 112.324.

599 (b) For purposes of the final full and public disclosure of
600 financial interests, the commission shall treat a new final full
601 and public disclosure of financial interests as the original
602 filing if filed within 60 days after the original filing,
603 regardless of whether a complaint has been filed. If, more than
604 60 days after a final full and public disclosure of financial
605 interests is filed, a complaint is filed alleging a complete
606 omission of any information required to be disclosed by this
607 section, the commission may immediately follow the complaint
608 procedures in s. 112.324. However, if the complaint alleges an
609 immaterial, inconsequential, or de minimis error or omission,

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610 the commission may not take any action on the complaint, other
611 than notifying the filer of the complaint. The filer must be
612 given 30 days to file a new final full and public disclosure of
613 financial interests correcting any errors. If the filer does not
614 file a new final full and public disclosure of financial
615 interests within 30 days after the commission sends notice of
616 the complaint, the commission may continue with proceedings
617 pursuant to s. 112.324.

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

622 (8) (a) An individual required to file a disclosure pursuant
623 to this section may have the disclosure prepared by a certified
624 public accountant licensed in this state. The certified public
625 accountant must attest on the form that he or she prepared the
626 disclosure in accordance with applicable industry standards, if
627 any, and that, upon his or her reasonable knowledge and belief,
628 the disclosure is true and correct. If a complaint is filed
629 alleging a failure to disclose information required by this
630 section, the commission shall determine whether the information
631 was disclosed to the certified public accountant. The failure of
632 the certified public accountant to accurately transcribe
633 information provided by the individual required to file is not a
634 violation of this section.

635 (b) An elected officer or candidate who chooses to use a
636 certified public accountant to prepare his or her disclosure may
637 pay for the services of the certified public accountant from
638 funds in an office account created pursuant to s. 106.141 or,

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639 during a year that the individual qualifies for election to
640 public office, the candidate's campaign depository pursuant to
641 s. 106.021.

642 Section 8. Section 112.31445, Florida Statutes, is created
643 to read:

644 112.31445 Electronic filing system; full and public
645 disclosure of financial interests.-

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

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

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

659 (a) Provide for access through the Internet.

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

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

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

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

673 (f) Address whether additional statutory or rulemaking
674 authority is necessary for implementation of the system, and
675 must include, at a minimum, the following elements: alternate
676 filing procedures to be used in the event that the commission's
677 electronic filing system is inoperable, issuance of an
678 electronic receipt via electronic mail indicating and verifying
679 to the individual who submitted the full and public disclosure
680 of financial interests form that the form has been filed, and a
681 determination of the feasibility and necessity of including
682 statements of financial interests filed pursuant to s. 112.3145
683 in the proposed system.

684 Section 9. Paragraph (i) of subsection (6) of section
685 112.3145, Florida Statutes, is amended, present subsection (9)
686 of that section is renumbered as subsection (11), and new
687 subsections (9) and (10) are added to that section, to read:

688 112.3145 Disclosure of financial interests and clients
689 represented before agencies.—

690 (6) Forms for compliance with the disclosure requirements
691 of this section and a current list of persons subject to
692 disclosure shall be created by the commission and provided to
693 each supervisor of elections. The commission and each supervisor
694 of elections shall give notice of disclosure deadlines and
695 delinquencies and distribute forms in the following manner:

696 (i) Notwithstanding any provision of chapter 120, any fine

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697 imposed under this subsection which is not waived by final order
698 of the commission and which remains unpaid more than 60 days
699 after the notice of payment due or more than 60 days after the
700 commission renders a final order on the appeal must be submitted
701 to the Department of Financial Services as a claim, debt, or
702 other obligation owed to the state, and the department shall
703 assign the collection of such a fine to a collection agent as
704 provided in s. 17.20. The commission or the Department of
705 Financial Services may take action to collect any unpaid fine
706 imposed by this subsection within 20 years after the automatic
707 fine is initially reported to the Department of Financial
708 Services.

709 (9) (a) The commission shall treat an amended statement of
710 financial interests that is filed prior to September 1 of the
711 current year as the original filing, regardless of whether a
712 complaint has been filed. If a complaint pertaining to the
713 current year alleges a failure to properly and accurately
714 disclose any information required by this section or if a
715 complaint filed pertaining to a previous reporting period within
716 the preceding 5 years alleges a failure to properly and
717 accurately disclose of any information required to be disclosed
718 by this section, the commission may immediately follow complaint
719 procedures in s. 112.324. However, if a complaint filed after
720 August 25 alleges an immaterial, inconsequential, or de minimis
721 error or omission, the commission may not take any action on the
722 complaint, other than notifying the filer of the complaint. The
723 filer must be given 30 days to file an amended statement of
724 financial interests correcting any errors. If the filer does not
725 file an amended statement of financial interests within 30 days

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726 after the commission sends notice of the complaint, the
727 commission may continue with proceedings pursuant to s. 112.324.

728 (b) For purposes of the final statement of financial
729 interests, the commission shall treat a new final statement of
730 financial interests, as the original filing, if filed within 60
731 days of the original filing regardless of whether a complaint
732 has been filed. If, more than 60 days after a final statement of
733 financial interests is filed, a complaint is filed alleging a
734 complete omission of any information required to be disclosed by
735 this section, the commission may immediately follow the
736 complaint procedures in s. 112.324. However, if the complaint
737 alleges an immaterial, inconsequential, or de minimis error or
738 omission, the commission may not take any action on the
739 complaint other than notifying the filer of the complaint. The
740 filer must be given 30 days to file a new final statement of
741 financial interests correcting any errors. If the filer does not
742 file a new final statement of financial interests within 30 days
743 after the commission sends notice of the complaint, the
744 commission may continue with proceedings pursuant to s. 112.324.

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

749 (10) (a) An individual required to file a disclosure
750 pursuant to this section may have the disclosure prepared by a
751 certified public accountant licensed in this state. The
752 certified public accountant must attest on the form that he or
753 she prepared the disclosure in accordance with applicable
754 industry standards, if any, and that, upon his or her reasonable

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755 knowledge and belief, the disclosure is true and correct. If a
756 complaint is filed alleging a failure to disclose information
757 required by this section, the commission shall determine whether
758 the information was disclosed to the certified public
759 accountant. If the certified public accountant had the
760 information, but failed to accurately transcribe it onto the
761 form in the manner required, the filing individual is not in
762 violation of this section.

763 (b) An elected officer or candidate who chooses to use a
764 certified public accountant to prepare his or her disclosure may
765 pay for the services of the certified public accountant from
766 funds in an office account created pursuant to s. 106.141 or,
767 during a year that the individual qualifies for election to
768 public office, the candidate's campaign depository pursuant to
769 s. 106.021.

770 Section 10. Section 112.31455, Florida Statutes, is created
771 to read:

772 112.31455 Collection methods for unpaid automatic fines for
773 failure to timely file disclosure of financial interests.-

774 (1) Before referring any unpaid fine accrued pursuant to s.
775 112.3144(5) or s. 112.3145(6) to the Department of Financial
776 Services, the commission shall determine whether the individual
777 owing such a fine is a current public officer or current public
778 employee or is currently receiving public contract payments. If
779 so, the commission shall notify the Chief Financial Officer or
780 the governing body of the appropriate county, municipality, or
781 special district of the total amount of any fine owed to the
782 commission by such individual.

783 (a) Six months after receipt of notice from the commission,

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784 the Chief Financial Officer or the governing body of the county,
785 municipality, or special district shall begin withholding 10
786 percent of any payment made from public moneys or any lesser
787 amount that will satisfy the outstanding fine, less applicable
788 state and federal taxes. The withheld payments shall be remitted
789 to the commission until the fine is satisfied.

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

794 (2) If the commission determines that the individual who is
795 the subject of an unpaid fine accrued pursuant to s. 112.3144(5)
796 or s. 112.3145(6) is no longer a public officer or public
797 employee or is no longer receiving public contract payments, the
798 commission or the Department of Financial Services, 6 months
799 after the order becomes final, may:

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

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

803 (3) Collection methods authorized pursuant to this section
804 do not exclude any other collection methods statutorily
805 authorized.

806 Section 11. Section 112.3147, Florida Statutes, is amended
807 to read:

808 112.3147 Forms.—Except as otherwise provided, all
809 information required to be furnished by ss. 112.313, 112.3143,
810 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
811 of the State Constitution shall be on forms prescribed by the
812 Commission on Ethics.

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813 Section 12. Subsections (3) through (5) of section
814 112.3148, Florida Statutes, are amended to read:

815 112.3148 Reporting and prohibited receipt of gifts by
816 individuals filing full or limited public disclosure of
817 financial interests and by procurement employees.—

818 (3) A reporting individual or procurement employee is
819 prohibited from soliciting any gift from ~~a political committee~~
820 ~~or committee of continuous existence, as defined in s. 106.011,~~
821 ~~or from~~ a lobbyist who lobbies the reporting individual's or
822 procurement employee's agency, or the partner, firm, employer,
823 or principal of such lobbyist, if ~~where~~ such gift is for the
824 personal benefit of the reporting individual or procurement
825 employee, another reporting individual or procurement employee,
826 or any member of the immediate family of a reporting individual
827 or procurement employee.

828 (4) A reporting individual or procurement employee or any
829 other person on his or her behalf is prohibited from knowingly
830 accepting, directly or indirectly, a gift from ~~a political~~
831 ~~committee or committee of continuous existence, as defined in s.~~
832 ~~106.011, or from~~ a lobbyist who lobbies the reporting
833 individual's or procurement employee's agency, or directly or
834 indirectly on behalf of the partner, firm, employer, or
835 principal of a lobbyist, if he or she knows or reasonably
836 believes that the gift has a value in excess of \$100; however,
837 such a gift may be accepted by such person on behalf of a
838 governmental entity or a charitable organization. If the gift is
839 accepted on behalf of a governmental entity or charitable
840 organization, the person receiving the gift shall not maintain
841 custody of the gift for any period of time beyond that

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842 reasonably necessary to arrange for the transfer of custody and
843 ownership of the gift.

844 (5) (a) ~~A political committee or a committee of continuous~~
845 ~~existence, as defined in s. 106.011;~~ A lobbyist who lobbies a
846 reporting individual's or procurement employee's agency; the
847 partner, firm, employer, or principal of a lobbyist; or another
848 on behalf of the lobbyist or partner, firm, principal, or
849 employer of the lobbyist is prohibited from giving, either
850 directly or indirectly, a gift that has a value in excess of
851 \$100 to the reporting individual or procurement employee or any
852 other person on his or her behalf; however, such person may give
853 a gift having a value in excess of \$100 to a reporting
854 individual or procurement employee if the gift is intended to be
855 transferred to a governmental entity or a charitable
856 organization.

857 (b) However, a person who is regulated by this subsection,
858 who is not regulated by subsection (6), and who makes, or
859 directs another to make, an individual gift having a value in
860 excess of \$25, but not in excess of \$100, other than a gift that
861 the donor knows will be accepted on behalf of a governmental
862 entity or charitable organization, must file a report on the
863 last day of each calendar quarter for the previous calendar
864 quarter in which a reportable gift is made. The report shall be
865 filed with the Commission on Ethics, except with respect to
866 gifts to reporting individuals of the legislative branch, in
867 which case the report shall be filed with the Office of
868 Legislative Services. The report must contain a description of
869 each gift, the monetary value thereof, the name and address of
870 the person making such gift, the name and address of the

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871 recipient of the gift, and the date such gift is given. In
872 addition, if a gift is made which requires the filing of a
873 report under this subsection, the donor must notify the intended
874 recipient at the time the gift is made that the donor, or
875 another on his or her behalf, will report the gift under this
876 subsection. Under this paragraph, a gift need not be reported by
877 more than one person or entity.

878 Section 13. Section 112.31485, Florida Statutes, is created
879 to read:

880 112.31485 Prohibition on gifts involving political
881 committees and committees of continuous existence.-

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

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

889 (2) (a) A reporting individual or procurement employee or a
890 member of his or her immediate family is prohibited from
891 soliciting or knowingly accepting, directly or indirectly, any
892 gift from a political committee or committee of continuous
893 existence.

894 (b) A political committee or committee of continuous
895 existence is prohibited from giving, directly or indirectly, any
896 gift to a reporting individual or procurement employee or a
897 member of his or her immediate family.

898 (3) Any person who violates this section is subject to a
899 civil penalty equal to three times the amount of the gift. Such

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900 penalty is in addition to the penalties provided in s. 112.317
901 and shall be paid to the General Revenue Fund of the state. A
902 reporting individual or procurement employee or a member of his
903 or her immediate family who violates this section is personally
904 liable for payment of the treble penalty. Any agent or person
905 acting on behalf of a political committee or committee of
906 continuous existence who gives a prohibited gift is personally
907 liable for payment of the treble penalty.

908 Section 14. For the purpose of incorporating the amendment
909 made by this act to section 112.3143, Florida Statutes, and
910 newly created section 112.31485, Florida Statutes, in a
911 reference thereto, subsections (1) through (5) of section
912 112.317, Florida Statutes, are reenacted to read:

913 112.317 Penalties.—

914 (1) Violation of any provision of this part, including, but
915 not limited to, any failure to file any disclosures required by
916 this part or violation of any standard of conduct imposed by
917 this part, or violation of any provision of s. 8, Art. II of the
918 State Constitution, in addition to any criminal penalty or other
919 civil penalty involved, shall, under applicable constitutional
920 and statutory procedures, constitute grounds for, and may be
921 punished by, one or more of the following:

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

- 923 1. Impeachment.
924 2. Removal from office.
925 3. Suspension from office.
926 4. Public censure and reprimand.
927 5. Forfeiture of no more than one-third salary per month
928 for no more than 12 months.

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

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

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

937 1. Dismissal from employment.

938 2. Suspension from employment for not more than 90 days
939 without pay.

940 3. Demotion.

941 4. Reduction in salary level.

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

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

945 7. Restitution of any pecuniary benefits received because
946 of the violation committed. The commission may recommend that
947 the restitution penalty be paid to the agency by which the
948 public employee was employed, or of which the officer was deemed
949 to be an employee, or to the General Revenue Fund.

950 8. Public censure and reprimand.

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

954 1. Disqualification from being on the ballot.

955 2. Public censure.

956 3. Reprimand.

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

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958 (d) In the case of a former public officer or employee who
959 has violated a provision applicable to former officers or
960 employees or whose violation occurred before the officer's or
961 employee's leaving public office or employment:

- 962 1. Public censure and reprimand.
- 963 2. A civil penalty not to exceed \$10,000.
- 964 3. Restitution of any pecuniary benefits received because
965 of the violation committed. The commission may recommend that
966 the restitution penalty be paid to the agency of the public
967 officer or employee or to the General Revenue Fund.

968 (e) In the case of a person who is subject to the standards
969 of this part, other than a lobbyist or lobbying firm under s.
970 112.3215 for a violation of s. 112.3215, but who is not a public
971 officer or employee:

- 972 1. Public censure and reprimand.
- 973 2. A civil penalty not to exceed \$10,000.
- 974 3. Restitution of any pecuniary benefits received because
975 of the violation committed. The commission may recommend that
976 the restitution penalty be paid to the agency of the person or
977 to the General Revenue Fund.

978 (2) In any case in which the commission finds a violation
979 of this part or of s. 8, Art. II of the State Constitution and
980 the proper disciplinary official or body under s. 112.324
981 imposes a civil penalty or restitution penalty, the Attorney
982 General shall bring a civil action to recover such penalty. No
983 defense may be raised in the civil action to enforce the civil
984 penalty or order of restitution that could have been raised by
985 judicial review of the administrative findings and
986 recommendations of the commission by certiorari to the district

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

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

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

994 (b) The power of agencies to discipline officers or
995 employees.

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

1000 (5) By order of the Governor, upon recommendation of the
1001 commission, any elected municipal officer who violates any
1002 provision of this part or of s. 8, Art. II of the State
1003 Constitution may be suspended from office and the office filled
1004 by appointment for the period of suspension. The suspended
1005 officer may at any time before removal be reinstated by the
1006 Governor. The Senate may, in proceedings prescribed by law,
1007 remove from office, or reinstate, the suspended official, and
1008 for such purpose the Senate may be convened in special session
1009 by its President or by a majority of its membership.

1010 Section 15. Section 112.324, Florida Statutes, is amended
1011 to read:

1012 112.324 Procedures on complaints of violations and
1013 referrals; public records and meeting exemptions.—

1014 (1) ~~Upon a written complaint executed on a form prescribed~~
1015 ~~by the commission and signed under oath or affirmation by any~~

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1016 ~~person,~~ The commission shall investigate an ~~any~~ alleged
1017 violation of this part or ~~any~~ other alleged breach of the public
1018 trust within the jurisdiction of the commission as provided in
1019 s. 8(f), Art. II of the State Constitution: in accordance with
1020 ~~procedures set forth herein.~~

1021 (a) Upon a written complaint executed on a form prescribed
1022 by the commission and signed under oath of affirmation by any
1023 person; or

1024 (b) Upon receipt of a written referral of a possible
1025 violation of this part or other possible breach of the public
1026 trust from the Governor, the Department of Law Enforcement, a
1027 state attorney, or a United States Attorney which at least six
1028 members of the commission determine is sufficient to indicate a
1029 violation of this part or any other breach of the public trust.

1030
1031 Within 5 days after receipt of a complaint by the commission or
1032 a determination by at least six members of the commission that
1033 the referral received is deemed sufficient, a copy shall be
1034 transmitted to the alleged violator.

1035 (2) (a) The complaint and records relating to the complaint
1036 or to any preliminary investigation held by the commission or
1037 its agents, by a Commission on Ethics and Public Trust
1038 established by any county defined in s. 125.011(1) or by any
1039 municipality defined in s. 165.031, or by any county or
1040 municipality that has established a local investigatory process
1041 to enforce more stringent standards of conduct and disclosure
1042 requirements as provided in s. 112.326 are confidential and
1043 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1044 of the State Constitution.

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1045 (b) Any proceeding conducted by the commission, a
1046 Commission on Ethics and Public Trust, or a county or
1047 municipality that has established such local investigatory
1048 process, pursuant to a complaint or preliminary investigation,
1049 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1050 the State Constitution, and s. 120.525.

1051 (c) The exemptions in paragraphs (a) and (b) apply until
1052 the complaint is dismissed as legally insufficient, until the
1053 alleged violator requests in writing that such records and
1054 proceedings be made public, or until the commission, a
1055 Commission on Ethics and Public Trust, or a county or
1056 municipality that has established such local investigatory
1057 process determines, based on such investigation, whether
1058 probable cause exists to believe that a violation has occurred.
1059 ~~In no event shall~~ A complaint or referral under this part
1060 against a candidate in any general, special, or primary election
1061 may not be filed nor may ~~or~~ any intention of filing such a
1062 complaint or referral be disclosed on the day of any such
1063 election or within the 30 ~~5~~ days immediately preceding the date
1064 of the election, unless the complaint or referral is based upon
1065 personal information or information other than hearsay.

1066 (d) This subsection is subject to the Open Government
1067 Sunset Review Act in accordance with s. 119.15 and shall stand
1068 repealed on October 2, 2015, unless reviewed and saved from
1069 repeal through reenactment by the Legislature.

1070 (3) A preliminary investigation shall be undertaken by the
1071 commission of each legally sufficient complaint or referral over
1072 which the commission has jurisdiction to determine whether there
1073 is probable cause to believe that a violation has occurred. If,

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1074 upon completion of the preliminary investigation, the commission
1075 finds no probable cause to believe that this part has been
1076 violated or that any other breach of the public trust has been
1077 committed, the commission shall dismiss the complaint or
1078 referral with the issuance of a public report to the complainant
1079 and the alleged violator, stating with particularity its reasons
1080 for dismissal ~~of the complaint~~. At that time, the complaint or
1081 referral and all materials relating to the complaint or referral
1082 shall become a matter of public record. If the commission finds
1083 from the preliminary investigation probable cause to believe
1084 that this part has been violated or that any other breach of the
1085 public trust has been committed, it shall so notify the
1086 complainant and the alleged violator in writing. Such
1087 notification and all documents made or received in the
1088 disposition of the complaint or referral shall then become
1089 public records. Upon request submitted to the commission in
1090 writing, any person who the commission finds probable cause to
1091 believe has violated any provision of this part or has committed
1092 any other breach of the public trust shall be entitled to a
1093 public hearing. Such person shall be deemed to have waived the
1094 right to a public hearing if the request is not received within
1095 14 days following the mailing of the probable cause notification
1096 required by this subsection. However, the commission may on its
1097 own motion, require a public hearing, may conduct such further
1098 investigation as it deems necessary, and may enter into such
1099 stipulations and settlements as it finds to be just and in the
1100 best interest of the state. The commission is without
1101 jurisdiction to, and no respondent may voluntarily or
1102 involuntarily, enter into a stipulation or settlement which

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1103 imposes any penalty, including, but not limited to, a sanction
1104 or admonition or any other penalty contained in s. 112.317.
1105 Penalties shall be imposed only by the appropriate disciplinary
1106 authority as designated in this section.

1107 (4) If, in cases pertaining to members of the Legislature,
1108 upon completion of a full and final investigation by the
1109 commission, the commission finds that there has been a violation
1110 of this part or of any provision of s. 8, Art. II of the State
1111 Constitution, the commission shall forward a copy of the
1112 complaint or referral and its findings by certified mail to the
1113 President of the Senate or the Speaker of the House of
1114 Representatives, whichever is applicable, who shall refer the
1115 complaint or referral to the appropriate committee for
1116 investigation and action which shall be governed by the rules of
1117 its respective house. It ~~is shall be~~ the duty of the committee
1118 to report its final action upon the matter ~~complaint~~ to the
1119 commission within 90 days of the date of transmittal to the
1120 respective house. Upon request of the committee, the commission
1121 shall submit a recommendation as to what penalty, if any, should
1122 be imposed. In the case of a member of the Legislature, the
1123 house in which the member serves has ~~shall have~~ the power to
1124 invoke the penalty provisions of this part.

1125 (5) If, in cases ~~pertaining to complaints~~ against
1126 impeachable officers, upon completion of a full and final
1127 investigation by the commission, the commission finds that there
1128 has been a violation of this part or of any provision of s. 8,
1129 Art. II of the State Constitution, and the commission finds that
1130 the violation may constitute grounds for impeachment, the
1131 commission shall forward a copy of the complaint or referral and

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1132 its findings by certified mail to the Speaker of the House of
1133 Representatives, who shall refer the complaint or referral to
1134 the appropriate committee for investigation and action which
1135 shall be governed by the rules of the House of Representatives.
1136 It is ~~shall be~~ the duty of the committee to report its final
1137 action upon the matter ~~complaint~~ to the commission within 90
1138 days of the date of transmittal.

1139 (6) If the commission finds that there has been a violation
1140 of this part or of any provision of s. 8, Art. II of the State
1141 Constitution by an impeachable officer other than the Governor,
1142 and the commission recommends public censure and reprimand,
1143 forfeiture of a portion of the officer's salary, a civil
1144 penalty, or restitution, the commission shall report its
1145 findings and recommendation of disciplinary action to the
1146 Governor, who has ~~shall have~~ the power to invoke the penalty
1147 provisions of this part.

1148 (7) If the commission finds that there has been a violation
1149 of this part or of any provision of s. 8, Art. II of the State
1150 Constitution by the Governor, and the commission recommends
1151 public censure and reprimand, forfeiture of a portion of the
1152 Governor's salary, a civil penalty, or restitution, the
1153 commission shall report its findings and recommendation of
1154 disciplinary action to the Attorney General, who shall have the
1155 power to invoke the penalty provisions of this part.

1156 (8) If, in cases ~~pertaining to complaints~~ other than
1157 complaints or referrals against impeachable officers or members
1158 of the Legislature, upon completion of a full and final
1159 investigation by the commission, the commission finds that there
1160 has been a violation of this part or of s. 8, Art. II of the

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1161 State Constitution, it is ~~shall be~~ the duty of the commission to
1162 report its findings and recommend appropriate action to the
1163 proper disciplinary official or body as follows, and such
1164 official or body has ~~shall have~~ the power to invoke the penalty
1165 provisions of this part, including the power to order the
1166 appropriate elections official to remove a candidate from the
1167 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1168 II of the State Constitution:

1169 (a) The President of the Senate and the Speaker of the
1170 House of Representatives, jointly, in any case concerning the
1171 Public Counsel, members of the Public Service Commission,
1172 members of the Public Service Commission Nominating Council, the
1173 Auditor General, or the director of the Office of Program Policy
1174 Analysis and Government Accountability.

1175 (b) The Supreme Court, in any case concerning an employee
1176 of the judicial branch.

1177 (c) The President of the Senate, in any case concerning an
1178 employee of the Senate; the Speaker of the House of
1179 Representatives, in any case concerning an employee of the House
1180 of Representatives; or the President and the Speaker, jointly,
1181 in any case concerning an employee of a committee of the
1182 Legislature whose members are appointed solely by the President
1183 and the Speaker or in any case concerning an employee of the
1184 Public Counsel, Public Service Commission, Auditor General, or
1185 Office of Program Policy Analysis and Government Accountability.

1186 (d) Except as otherwise provided by this part, the
1187 Governor, in the case of any other public officer, public
1188 employee, former public officer or public employee, candidate or
1189 former candidate, or person who is not a public officer or

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1190 employee, other than lobbyists and lobbying firms under s.
1191 112.3215 for violations of s. 112.3215.

1192 (e) The President of the Senate or the Speaker of the House
1193 of Representatives, whichever is applicable, in any case
1194 concerning a former member of the Legislature who has violated a
1195 provision applicable to former members or whose violation
1196 occurred while a member of the Legislature.

1197 (9) In addition to reporting its findings to the proper
1198 disciplinary body or official, the commission shall report these
1199 findings to the state attorney or any other appropriate official
1200 or agency having authority to initiate prosecution when
1201 violation of criminal law is indicated.

1202 (10) Notwithstanding the foregoing procedures of this
1203 section, a sworn complaint against any member or employee of the
1204 Commission on Ethics for violation of this part or of s. 8, Art.
1205 II of the State Constitution shall be filed with the President
1206 of the Senate and the Speaker of the House of Representatives.
1207 Each presiding officer shall, after determining that there are
1208 sufficient grounds for review, appoint three members of their
1209 respective bodies to a special joint committee who shall
1210 investigate the complaint. The members shall elect a chair from
1211 among their number. If the special joint committee finds
1212 insufficient evidence to establish probable cause to believe a
1213 violation of this part or of s. 8, Art. II of the State
1214 Constitution has occurred, it shall dismiss the complaint. If,
1215 upon completion of its preliminary investigation, the committee
1216 finds sufficient evidence to establish probable cause to believe
1217 a violation has occurred, the chair thereof shall transmit such
1218 findings to the Governor who shall convene a meeting of the

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1219 Governor, the President of the Senate, the Speaker of the House
1220 of Representatives, and the Chief Justice of the Supreme Court
1221 to take such final action on the complaint as they shall deem
1222 appropriate, consistent with the penalty provisions of this
1223 part. Upon request of a majority of the Governor, the President
1224 of the Senate, the Speaker of the House of Representatives, and
1225 the Chief Justice of the Supreme Court, the special joint
1226 committee shall submit a recommendation as to what penalty, if
1227 any, should be imposed.

1228 (11) (a) Notwithstanding the provisions of subsections (1)-
1229 (8), the commission shall dismiss any complaint or referral at
1230 any stage of disposition should it determine that the violation
1231 that is alleged or has occurred is a de minimis violation
1232 attributable to inadvertent or unintentional error. In
1233 determining whether a violation was de minimis, the commission
1234 shall consider whether the interests of the public were
1235 protected despite the violation. This subsection does not apply
1236 to complaints pursuant to ss. 112.3144 and 112.3145.

1237 (b) For the purposes of this subsection, a de minimis
1238 violation is any violation that is unintentional and not
1239 material in nature.

1240 (12)~~(11)~~ Notwithstanding the provisions of subsections (1)-
1241 (8), the commission may, at its discretion, dismiss any
1242 complaint or referral at any stage of disposition should it
1243 determine that the public interest would not be served by
1244 proceeding further, in which case the commission shall issue a
1245 public report stating with particularity its reasons for the
1246 dismissal.

1247 Section 16. For the purpose of incorporating the amendment

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1248 made by this act to section 112.3143, Florida Statutes, in a
1249 reference thereto, subsection (1) of section 120.665, Florida
1250 Statutes, is reenacted to read:

1251 120.665 Disqualification of agency personnel.—

1252 (1) Notwithstanding the provisions of s. 112.3143, any
1253 individual serving alone or with others as an agency head may be
1254 disqualified from serving in an agency proceeding for bias,
1255 prejudice, or interest when any party to the agency proceeding
1256 shows just cause by a suggestion filed within a reasonable
1257 period of time prior to the agency proceeding. If the
1258 disqualified individual was appointed, the appointing power may
1259 appoint a substitute to serve in the matter from which the
1260 individual is disqualified. If the individual is an elected
1261 official, the Governor may appoint a substitute to serve in the
1262 matter from which the individual is disqualified. However, if a
1263 quorum remains after the individual is disqualified, it shall
1264 not be necessary to appoint a substitute.

1265 Section 17. For the purpose of incorporating the amendment
1266 made by this act to section 112.3143, Florida Statutes, in a
1267 reference thereto, section 286.012, Florida Statutes, is
1268 reenacted to read:

1269 286.012 Voting requirement at meetings of governmental
1270 bodies.—No member of any state, county, or municipal
1271 governmental board, commission, or agency who is present at any
1272 meeting of any such body at which an official decision, ruling,
1273 or other official act is to be taken or adopted may abstain from
1274 voting in regard to any such decision, ruling, or act; and a
1275 vote shall be recorded or counted for each such member present,
1276 except when, with respect to any such member, there is, or

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1277 appears to be, a possible conflict of interest under the
1278 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1279 cases, said member shall comply with the disclosure requirements
1280 of s. 112.3143.

1281 Section 18. For the purpose of incorporating the amendment
1282 made by this act to section 112.324, Florida Statutes, in a
1283 reference thereto, section 287.175, Florida Statutes, is
1284 reenacted to read:

1285 287.175 Penalties.—A violation of this part or a rule
1286 adopted hereunder, pursuant to applicable constitutional and
1287 statutory procedures, constitutes misuse of public position as
1288 defined in s. 112.313(6), and is punishable as provided in s.
1289 112.317. The Chief Financial Officer shall report incidents of
1290 suspected misuse to the Commission on Ethics, and the commission
1291 shall investigate possible violations of this part or rules
1292 adopted hereunder when reported by the Chief Financial Officer,
1293 notwithstanding the provisions of s. 112.324. Any violation of
1294 this part or a rule adopted hereunder shall be presumed to have
1295 been committed with wrongful intent, but such presumption is
1296 rebuttable. Nothing in this section is intended to deny rights
1297 provided to career service employees by s. 110.227.

1298 Section 19. For the purpose of incorporating the amendment
1299 made by this act to section 112.3143, Florida Statutes, in a
1300 reference thereto, paragraph (c) of subsection (1) of section
1301 288.901, Florida Statutes, is reenacted to read:

1302 288.901 Enterprise Florida, Inc.—

1303 (1) CREATION.—

1304 (c) The Legislature determines that it is in the public
1305 interest for the members of Enterprise Florida, Inc., board of

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1306 directors to be subject to the requirements of ss. 112.3135,
1307 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding
1308 the fact that the board members are not public officers or
1309 employees. For purposes of those sections, the board members
1310 shall be considered to be public officers or employees. The
1311 exemption set forth in s. 112.313(12) for advisory boards
1312 applies to the members of Enterprise Florida, Inc., board of
1313 directors. Further, each member of the board of directors who is
1314 not otherwise required to file financial disclosures pursuant to
1315 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1316 file disclosure of financial interests pursuant to s. 112.3145.

1317 Section 20. Subsection (1) of section 445.007, Florida
1318 Statutes, is reenacted for the purpose of incorporating the
1319 amendment made by this act to section 112.3143, Florida
1320 Statutes, in a reference thereto, and subsection (11) of that
1321 section is amended, to read:

1322 445.007 Regional workforce boards.—

1323 (1) One regional workforce board shall be appointed in each
1324 designated service delivery area and shall serve as the local
1325 workforce investment board pursuant to Pub. L. No. 105-220. The
1326 membership of the board shall be consistent with Pub. L. No.
1327 105-220, Title I, s. 117(b) but may not exceed the minimum
1328 membership required in Pub. L. No. 105-220, Title I, s.
1329 117(b) (2) (A) and in this subsection. Upon approval by the
1330 Governor, the chief elected official may appoint additional
1331 members above the limit set by this subsection. If a public
1332 education or training provider is represented on the board, a
1333 representative of a private nonprofit provider and a
1334 representative of a private for-profit provider must also be

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1335 appointed to the board. The board shall include one nonvoting
1336 representative from a military installation if a military
1337 installation is located within the region and the appropriate
1338 military command or organization authorizes such representation.
1339 It is the intent of the Legislature that membership of a
1340 regional workforce board include persons who are current or
1341 former recipients of welfare transition assistance as defined in
1342 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1343 or that such persons be included as ex officio members of the
1344 board or of committees organized by the board. The importance of
1345 minority and gender representation shall be considered when
1346 making appointments to the board. The board, its committees,
1347 subcommittees, and subdivisions, and other units of the
1348 workforce system, including units that may consist in whole or
1349 in part of local governmental units, may use any method of
1350 telecommunications to conduct meetings, including establishing a
1351 quorum through telecommunications, provided that the public is
1352 given proper notice of the telecommunications meeting and
1353 reasonable access to observe and, when appropriate, participate.
1354 Regional workforce boards are subject to chapters 119 and 286
1355 and s. 24, Art. I of the State Constitution. If the regional
1356 workforce board enters into a contract with an organization or
1357 individual represented on the board of directors, the contract
1358 must be approved by a two-thirds vote of the board, a quorum
1359 having been established, and the board member who could benefit
1360 financially from the transaction must abstain from voting on the
1361 contract. A board member must disclose any such conflict in a
1362 manner that is consistent with the procedures outlined in s.
1363 112.3143. Each member of a regional workforce board who is not

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1364 otherwise required to file a full and public disclosure of
1365 financial interests pursuant to s. 8, Art. II of the State
1366 Constitution or s. 112.3144 shall file a statement of financial
1367 interests pursuant to s. 112.3145. The executive director or
1368 designated person responsible for the operational and
1369 administrative functions of the regional workforce board who is
1370 not otherwise required to file a full and public disclosure of
1371 financial interests pursuant to s. 8, Art. II of the State
1372 Constitution or s. 112.3144 shall file a statement of financial
1373 interests pursuant to s. 112.3145.

1374 (11) To increase transparency and accountability, a
1375 regional workforce board must comply with the requirements of
1376 this section before contracting with a member of the board or a
1377 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1378 board member or of an employee of the board. Such contracts may
1379 not be executed before or without the approval of Workforce
1380 Florida, Inc. Such contracts, as well as documentation
1381 demonstrating adherence to this section as specified by
1382 Workforce Florida, Inc., must be submitted to the Department of
1383 Economic Opportunity for review and recommendation according to
1384 criteria to be determined by Workforce Florida, Inc. Such a
1385 contract must be approved by a two-thirds vote of the board, a
1386 quorum having been established; all conflicts of interest must
1387 be disclosed before the vote; and any member who may benefit
1388 from the contract, or whose relative may benefit from the
1389 contract, must abstain from the vote. A contract under \$25,000
1390 between a regional workforce board and a member of that board or
1391 between a relative, as defined in s. 112.3143(1)(c)
1392 ~~112.3143(1)(b)~~, of a board member or of an employee of the board

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1393 is not required to have the prior approval of Workforce Florida,
1394 Inc., but must be approved by a two-thirds vote of the board, a
1395 quorum having been established, and must be reported to the
1396 Department of Economic Opportunity and Workforce Florida, Inc.,
1397 within 30 days after approval. If a contract cannot be approved
1398 by Workforce Florida, Inc., a review of the decision to
1399 disapprove the contract may be requested by the regional
1400 workforce board or other parties to the disapproved contract.

1401
1402 Section 21. For the purpose of incorporating the amendment
1403 made by this act to section 112.3143, Florida Statutes, in a
1404 reference thereto, paragraph (m) of subsection (5) of section
1405 627.311, Florida Statutes, is reenacted to read:

1406 627.311 Joint underwriters and joint reinsurers; public
1407 records and public meetings exemptions.—

1408 (5)

1409 (m) Senior managers and officers, as defined in the plan of
1410 operation, and members of the board of governors are subject to
1411 the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1412 112.316, and 112.317. Senior managers, officers, and board
1413 members are also required to file such disclosures with the
1414 Commission on Ethics and the Office of Insurance Regulation. The
1415 executive director of the plan or his or her designee shall
1416 notify each newly appointed and existing appointed member of the
1417 board of governors, senior manager, and officer of his or her
1418 duty to comply with the reporting requirements of s. 112.3145.
1419 At least quarterly, the executive director of the plan or his or
1420 her designee shall submit to the Commission on Ethics a list of
1421 names of the senior managers, officers, and members of the board

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1422 of governors who are subject to the public disclosure
1423 requirements under s. 112.3145. Notwithstanding s. 112.313, an
1424 employee, officer, owner, or director of an insurance agency,
1425 insurance company, or other insurance entity may be a member of
1426 the board of governors unless such employee, officer, owner, or
1427 director of an insurance agency, insurance company, other
1428 insurance entity, or an affiliate provides policy issuance,
1429 policy administration, underwriting, claims handling, or payroll
1430 audit services. Notwithstanding s. 112.3143, such board member
1431 may not participate in or vote on a matter if the insurance
1432 agency, insurance company, or other insurance entity would
1433 obtain a special or unique benefit that would not apply to other
1434 similarly situated insurance entities.

1435 Section 22. For the purpose of incorporating the amendment
1436 made to this act to section 112.3143, Florida Statutes, in a
1437 reference thereto, paragraph (d) of subsection (6) of section
1438 627.351, Florida Statutes, is reenacted to read:

1439 627.351 Insurance risk apportionment plans.—

1440 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1441 (d)1. All prospective employees for senior management
1442 positions, as defined by the plan of operation, are subject to
1443 background checks as a prerequisite for employment. The office
1444 shall conduct the background checks pursuant to ss. 624.34,
1445 624.404(3), and 628.261.

1446 2. On or before July 1 of each year, employees of the
1447 corporation must sign and submit a statement attesting that they
1448 do not have a conflict of interest, as defined in part III of
1449 chapter 112. As a condition of employment, all prospective
1450 employees must sign and submit to the corporation a conflict-of-

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1451 interest statement.

1452 3. Senior managers and members of the board of governors
1453 are subject to part III of chapter 112, including, but not
1454 limited to, the code of ethics and public disclosure and
1455 reporting of financial interests, pursuant to s. 112.3145.
1456 Notwithstanding s. 112.3143(2), a board member may not vote on
1457 any measure that would inure to his or her special private gain
1458 or loss; that he or she knows would inure to the special private
1459 gain or loss of any principal by whom he or she is retained or
1460 to the parent organization or subsidiary of a corporate
1461 principal by which he or she is retained, other than an agency
1462 as defined in s. 112.312; or that he or she knows would inure to
1463 the special private gain or loss of a relative or business
1464 associate of the public officer. Before the vote is taken, such
1465 member shall publicly state to the assembly the nature of his or
1466 her interest in the matter from which he or she is abstaining
1467 from voting and, within 15 days after the vote occurs, disclose
1468 the nature of his or her interest as a public record in a
1469 memorandum filed with the person responsible for recording the
1470 minutes of the meeting, who shall incorporate the memorandum in
1471 the minutes. Senior managers and board members are also required
1472 to file such disclosures with the Commission on Ethics and the
1473 Office of Insurance Regulation. The executive director of the
1474 corporation or his or her designee shall notify each existing
1475 and newly appointed member of the board of governors and senior
1476 managers of their duty to comply with the reporting requirements
1477 of part III of chapter 112. At least quarterly, the executive
1478 director or his or her designee shall submit to the Commission
1479 on Ethics a list of names of the senior managers and members of

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1480 the board of governors who are subject to the public disclosure
1481 requirements under s. 112.3145.

1482 4. Notwithstanding s. 112.3148 or s. 112.3149, or any other
1483 provision of law, an employee or board member may not knowingly
1484 accept, directly or indirectly, any gift or expenditure from a
1485 person or entity, or an employee or representative of such
1486 person or entity, which has a contractual relationship with the
1487 corporation or who is under consideration for a contract. An
1488 employee or board member who fails to comply with subparagraph
1489 3. or this subparagraph is subject to penalties provided under
1490 ss. 112.317 and 112.3173.

1491 5. Any senior manager of the corporation who is employed on
1492 or after January 1, 2007, regardless of the date of hire, who
1493 subsequently retires or terminates employment is prohibited from
1494 representing another person or entity before the corporation for
1495 2 years after retirement or termination of employment from the
1496 corporation.

1497 6. Any senior manager of the corporation who is employed on
1498 or after January 1, 2007, regardless of the date of hire, who
1499 subsequently retires or terminates employment is prohibited from
1500 having any employment or contractual relationship for 2 years
1501 with an insurer that has entered into a take-out bonus agreement
1502 with the corporation.

1503 Section 23. This act shall take effect upon becoming a law.