

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Boyd offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (5) of section 112.312, Florida Statutes, is amended to read:

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

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

(12)

(b) "Gift" does not include:

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17 1. Salary, benefits, services, fees, commissions, gifts,  
18 or expenses associated primarily with the donee's employment,  
19 business, or service as an officer or director of a corporation  
20 or organization.

21 2. Except as provided in s. 112.31485, contributions or  
22 expenditures reported pursuant to chapter 106, contributions or  
23 expenditures reported pursuant to federal election law,  
24 campaign-related personal services provided without compensation  
25 by individuals volunteering their time, or any other  
26 contribution or expenditure by a political party or affiliated  
27 party committee.

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

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

33 5. An honorary membership in a service or fraternal  
34 organization presented merely as a courtesy by such  
35 organization.

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

38 7. Transportation provided to a public officer or employee  
39 by an agency in relation to officially approved governmental  
40 business.

41 8. Gifts provided directly or indirectly by a state,  
42 regional, or national organization which promotes the exchange  
43 of ideas between, or the professional development of,  
44 governmental officials or employees, and whose membership is

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45 primarily composed of elected or appointed public officials or  
46 staff, to members of that organization or officials or staff of  
47 a governmental agency that is a member of that organization.

48 Section 2. Section 112.3125, Florida Statutes, is created  
49 to read:

50 112.3125 Dual public employment.-

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

55 (2) A public officer may not accept public employment with  
56 the state or any of its political subdivisions if the public  
57 officer knows, or with the exercise of reasonable care should  
58 know, that the position is being offered by the employer for the  
59 purpose of gaining influence or other advantage based on the  
60 public officer's office or candidacy.

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

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

66 2. The position was publicly advertised;

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

69 4. The public officer meets or exceeds the required  
70 qualifications for the position.

71 (4) A person who was employed by the state or any of its  
72 political subdivisions before qualifying as a public officer for

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73 his or her current term of office or the next available term of  
74 office may continue his or her employment. However, he or she  
75 may not accept promotion, advancement, additional compensation,  
76 or anything of value that he or she knows, or with the exercise  
77 of reasonable care should know, is provided or given as a result  
78 of his or her election or position, or that is otherwise  
79 inconsistent with the promotion, advancement, additional  
80 compensation, or anything of value provided or given an employee  
81 who is similarly situated.

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

84 Section 3. Paragraph (a) of subsection (9) of section  
85 112.313, Florida Statutes, is amended to read:

86 112.313 Standards of conduct for public officers,  
87 employees of agencies, and local government attorneys.—

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

90 (a)1. It is the intent of the Legislature to implement by  
91 statute the provisions of s. 8(e), Art. II of the State  
92 Constitution relating to legislators, statewide elected  
93 officers, appointed state officers, and designated public  
94 employees.

95 2. As used in this paragraph:

96 a. "Employee" means:

97 (I) Any person employed in the executive or legislative  
98 branch of government holding a position in the Senior Management  
99 Service as defined in s. 110.402 or any person holding a  
100 position in the Selected Exempt Service as defined in s. 110.602

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101 or any person having authority over policy or procurement  
102 employed by the Department of the Lottery.

103 (II) The Auditor General, the director of the Office of  
104 Program Policy Analysis and Government Accountability, the  
105 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
106 at Arms and Clerk of the House of Representatives.

107 (III) The executive director and deputy executive director  
108 of the Commission on Ethics.

109 (IV) An executive director, staff director, or deputy  
110 staff director of each joint committee, standing committee, or  
111 select committee of the Legislature; an executive director,  
112 staff director, executive assistant, analyst, or attorney of the  
113 Office of the President of the Senate, the Office of the Speaker  
114 of the House of Representatives, the Senate Majority Party  
115 Office, Senate Minority Party Office, House Majority Party  
116 Office, or House Minority Party Office; or any person, hired on  
117 a contractual basis, having the power normally conferred upon  
118 such persons, by whatever title.

119 (V) The Chancellor and Vice Chancellors of the State  
120 University System; the general counsel to the Board of Governors  
121 of the State University System; and the president, provost, vice  
122 presidents, and deans of each state university.

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

126 b. "Appointed state officer" means any member of an  
127 appointive board, commission, committee, council, or authority  
128 of the executive or legislative branch of state government whose

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129 powers, jurisdiction, and authority are not solely advisory and  
130 include the final determination or adjudication of any personal  
131 or property rights, duties, or obligations, other than those  
132 relative to its internal operations.

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

136 3.a. No member of the Legislature, appointed state officer,  
137 or statewide elected officer shall personally represent another  
138 person or entity for compensation before the government body or  
139 agency of which the individual was an officer or member for a  
140 period of 2 years following vacation of office. No member of the  
141 Legislature shall personally represent another person or entity  
142 for compensation during his or her term of office before any  
143 state agency other than judicial tribunals or in settlement  
144 negotiations after the filing of a lawsuit.

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

150 4. An agency employee, including an agency employee who  
151 was employed on July 1, 2001, in a Career Service System  
152 position that was transferred to the Selected Exempt Service  
153 System under chapter 2001-43, Laws of Florida, may not  
154 personally represent another person or entity for compensation  
155 before the agency with which he or she was employed for a period  
156 of 2 years following vacation of position, unless employed by

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157 another agency of state government.

158 5. Any person violating this paragraph shall be subject to  
159 the penalties provided in s. 112.317 and a civil penalty of an  
160 amount equal to the compensation which the person receives for  
161 the prohibited conduct.

162 6. This paragraph is not applicable to:

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

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

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

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

174 e. Any appointed state officer whose term of office began  
175 before January 1, 1995, unless reappointed to that office on or  
176 after January 1, 1995.

177 Section 4. Section 112.3142, Florida Statutes, is created  
178 to read:

179 112.3142 Ethics training for specified constitutional  
180 officers.-

181 (1) As used in this section, the term "constitutional  
182 officers" includes the Governor, the Lieutenant Governor, the  
183 Attorney General, the Chief Financial Officer, the Commissioner  
184 of Agriculture, state attorneys, public defenders, sheriffs, tax

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185 collectors, property appraisers, supervisors of elections,  
186 clerks of the circuit court, county commissioners, district  
187 school board members, and superintendents of schools.

188 (2) (a) All constitutional officers must complete 4 hours  
189 of ethics training annually that addresses, at a minimum, s. 8,  
190 Art. II of the State Constitution, the Code of Ethics for Public  
191 Officers and Employees, and the public records and public  
192 meetings laws of this state. This requirement may be satisfied  
193 by completion of a continuing legal education class or other  
194 continuing professional education class, seminar, or  
195 presentation if the required subjects are covered.

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

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

202 Section 5. Section 112.31425, Florida Statutes, is created  
203 to read:

204 112.31425 Qualified blind trusts.—

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

209 (2) If a public officer holds a beneficial interest in a  
210 qualified blind trust as described in this section, he or she  
211 does not have a conflict of interest prohibited under s.  
212 112.313(3) or (7) or a voting conflict of interest under s.

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213 112.3143 with regard to matters pertaining to that interest.

214 (3) The public officer may not attempt to influence or  
215 exercise any control over decisions regarding the management of  
216 assets in a qualified blind trust. The public officer or any  
217 person having a beneficial interest in the qualified blind trust  
218 may not make any effort to obtain information with respect to  
219 the holdings of the trust, including obtaining a copy of any  
220 trust tax return filed or any information relating thereto,  
221 except as otherwise provided in this section.

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

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

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

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

239 (d) A direction to the trustee to sell all of an asset  
240 initially placed in the trust by the public officer which, in

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241 the determination of the public officer, creates a conflict of  
242 interest or the appearance thereof due to the subsequent  
243 assumption of duties by the public officer.

244 (5) The public officer shall report the beneficial  
245 interest in the qualified blind trust and its value as an asset  
246 on his or her financial disclosure form, if the value is  
247 required to be disclosed. The public officer shall report the  
248 blind trust as a primary source of income on his or her  
249 financial disclosure forms and its amount, if the amount of  
250 income is required to be disclosed. The public officer is not  
251 required to report as a secondary source of income any source of  
252 income to the blind trust.

253 (6) In order to constitute a qualified blind trust, the  
254 trust established by the public officer must meet the following  
255 requirements:

256 (a) The appointed trustee must be a bank, trust company,  
257 or other institutional fiduciary or an individual who is an  
258 attorney, certified public accountant, broker, or investment  
259 advisor. If the trustee is an individual or if the trustee is a  
260 bank, trust company, or other institutional fiduciary, the  
261 individual responsible for managing the trust may not be:

262 1. The public officer's spouse, child, parent,  
263 grandparent, grandchild, brother, sister, parent-in-law,  
264 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or  
265 the spouse of any such person;

266 2. A person who is an elected or appointed public officer  
267 or a public employee;

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269 3. A person who has been appointed to serve in an agency  
270 by the public officer or by a public officer or public employee  
271 supervised by the public officer; or

272 4. A business associate or principal of the public  
273 officer.

274 (b) All assets in the trust must be free of any  
275 restrictions with respect to their transfer or sale. The trust  
276 may not contain investments or assets the transfer of which by  
277 the trustee is improbable or impractical without the public  
278 officer's knowledge.

279 (c) The trust agreement must:

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

284 2. Give the trustee complete discretion to manage the  
285 trust, including, but not limited to, the power to dispose of  
286 and acquire trust assets without consulting or notifying the  
287 covered public officer or the person having a beneficial  
288 interest in the trust.

289 3. Prohibit communication between the trustee and the  
290 public officer, or the person who has a beneficial interest in  
291 the trust, concerning the holdings or sources of income of the  
292 trust, except amounts of cash value or net income or loss, if  
293 such report does not identify any asset or holding, or except as  
294 provided in this section.

295 4. Provide that the trust tax return is prepared by the  
296 trustee or his or her designee and that any information relating

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297 thereto is not disclosed to the public officer or to the person  
298 who has a beneficial interest, except as provided in this  
299 section.

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

305 6. Prohibit the trustee from disclosing to the public  
306 officer or the person who has a beneficial interest any  
307 information concerning replacement assets to the trust, except  
308 for the minimum tax information necessary to enable the public  
309 official to complete an individual tax return required by law.

310 (d) Within 5 business days after the agreement is  
311 executed, the public officer shall file with the commission a  
312 notice setting forth:

313 1. The date that the agreement is executed.

314 2. The name and address of the trustee.

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

317 4. A certification by the trustee on a form prescribed by  
318 the commission that the trust meets all of the requirements of  
319 this section. In lieu of said certification, the public officer  
320 may file a copy of the trust agreement.

321 5. A complete list of assets placed in the trust that the  
322 public officer would be required to disclose pursuant to ss.  
323 112.3144 or 112.3145.

324 (7) If the trust is revoked while the covered public

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325 official is a public officer, or if the covered public official  
326 learns of any replacement assets that have been added to the  
327 trust, the covered public official shall file an amendment to  
328 his or her most recent financial disclosure statement. The  
329 amendment shall be filed no later than 60 days after the date of  
330 revocation or the addition of the replacement assets. The  
331 covered public official shall disclose the previously unreported  
332 pro rata share of the trust's interests in investments or income  
333 deriving from any such investments. For purposes of this  
334 section, any replacement asset that becomes known to the covered  
335 public official shall thereafter be treated as though it were an  
336 original asset of the trust.

337 Section 6. Subsections (1) and (2) of section 112.3143,  
338 Florida Statutes, are amended, current subsection (5) of that  
339 section is renumbered as subsection (6), and a new subsection  
340 (5) is added to that section, to read:

341 112.3143 Voting conflicts.—

342 (1) As used in this section:

343 (a) "Principal by whom retained" means an individual or  
344 entity, other than an agency as defined in s. 112.312(2), that  
345 for compensation, salary, pay, consideration, or similar thing  
346 of value, has permitted or directed another to act for the  
347 individual or entity, and includes, but is not limited to, one's  
348 client, employer, or the parent, subsidiary, or sibling  
349 organization of one's client or employer.

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

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353 (c) ~~(b)~~ "Relative" means any father, mother, son, daughter,  
354 husband, wife, brother, sister, father-in-law, mother-in-law,  
355 son-in-law, or daughter-in-law.

356 (d) "Special private gain or loss" means an economic  
357 benefit or harm that would inure to the officer, his or her  
358 relative, business associate, or principal, unless the measure  
359 affects a class that includes the officer, his or her relative,  
360 business associate, or principal, in which case, at least the  
361 following factors must be considered when determining whether a  
362 special private gain or loss exists:

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

364 2. The nature of the interests involved.

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

367 4. The degree to which the officer, his or her relative,  
368 business associate, or principal receives a greater benefit or  
369 harm when compared to other members of the class.

370  
371 The degree to which there is uncertainty at the time of the vote  
372 as to whether there would be any economic benefit or harm to the  
373 public officer, his or her relative, business associate, or  
374 principal and, if so, the nature or degree of the economic  
375 benefit or harm must also be considered.

376 (2) (a) A ~~Ne~~ state public officer may not vote on any  
377 matter that the officer knows would inure to his or her special  
378 private gain or loss ~~is prohibited from voting in an official~~  
379 capacity on any matter. However, Any state public officer who  
380 abstains from voting in an official capacity upon any measure

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381 that ~~which~~ the officer knows would inure to the officer's  
382 special private gain or loss, or who votes in an official  
383 capacity on a measure that; ~~which~~ he or she knows would inure to  
384 the special private gain or loss of any principal by whom the  
385 officer is retained or to the parent organization or subsidiary  
386 of a corporate principal by which the officer is retained other  
387 than an agency as defined in s. 112.312(2); or which the officer  
388 knows would inure to the special private gain or loss of a  
389 relative or business associate of the public officer, shall make  
390 every reasonable effort to, ~~within 15 days after the vote~~  
391 ~~occurs,~~ disclose the nature of his or her interest as a public  
392 record in a memorandum filed with the person responsible for  
393 recording the minutes of the meeting, who shall incorporate the  
394 memorandum in the minutes. If it is not possible for the state  
395 public officer to file a memorandum before the vote, the  
396 memorandum must be filed with the person responsible for  
397 recording the minutes of the meeting no later than 15 days after  
398 the vote.

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

403 (5) If disclosure of specific information would violate  
404 confidentiality or privilege pursuant to law or rules governing  
405 attorneys, a public officer, who is also an attorney, may comply  
406 with the disclosure requirements of this section by disclosing  
407 the nature of the interest in such a way as to provide the  
408 public with notice of the conflict.

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

413 112.3144 Full and public disclosure of financial  
414 interests.—

415 (2) A person who is required, pursuant to s. 8, Art. II of  
416 the State Constitution, to file a full and public disclosure of  
417 financial interests and who has filed a full and public  
418 disclosure of financial interests for any calendar or fiscal  
419 year shall not be required to file a statement of financial  
420 interests pursuant to s. 112.3145(2) and (3) for the same year  
421 or for any part thereof notwithstanding any requirement of this  
422 part. When a candidate has qualified for office, the qualifying  
423 officer shall forward an electronic copy of the full and public  
424 disclosure of financial interests to the commission no later  
425 than July 1. The electronic copy of the full and public  
426 disclosure of financial interests satisfies the annual  
427 disclosure requirement of this section. A candidate who does not  
428 qualify until after the annual full and public disclosure has  
429 been filed pursuant to this section, except that a candidate for  
430 office shall file a copy of his or her disclosure with the  
431 officer before whom he or she qualifies.

432 (7) (a) The commission shall treat an amended full and  
433 public disclosure of financial interests that is filed prior to  
434 September 1 of the current year as the original filing,  
435 regardless of whether a complaint has been filed. If a complaint  
436 pertaining to the current year alleges a failure to properly and

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437 accurately disclose any information required by this section or  
438 if a complaint filed pertaining to a previous reporting period  
439 within the preceding 5 years alleges a failure to properly and  
440 accurately disclose any information required to be disclosed by  
441 this section, the commission may immediately follow complaint  
442 procedures in s. 112.324. However, if a complaint filed after  
443 August 25 alleges an immaterial, inconsequential, or de minimis  
444 error or omission, the commission may not take any action on the  
445 complaint, other than notifying the filer of the complaint. The  
446 filer must be given 30 days to file an amended full and public  
447 disclosure of financial interests correcting any errors. If the  
448 filer does not file an amended full and public disclosure of  
449 financial interests within 30 days after the commission sends  
450 notice of the complaint, the commission may continue with  
451 proceedings pursuant to s. 112.324.

452 (b) For purposes of the final full and public disclosure  
453 of financial interests, the commission shall treat a new final  
454 full and public disclosure of financial interests as the  
455 original filing if filed within 60 days after the original  
456 filing, regardless of whether a complaint has been filed. If,  
457 more than 60 days after a final full and public disclosure of  
458 financial interests is filed, a complaint is filed alleging a  
459 complete omission of any information required to be disclosed by  
460 this section, the commission may immediately follow the  
461 complaint procedures in s. 112.324. However, if the complaint  
462 alleges an immaterial, inconsequential, or de minimis error or  
463 omission, the commission may not take any action on the  
464 complaint, other than notifying the filer of the complaint. The

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465 filer must be given 30 days to file a new final full and public  
466 disclosure of financial interests correcting any errors. If the  
467 filer does not file a new final full and public disclosure of  
468 financial interests within 30 days after the commission sends  
469 notice of the complaint, the commission may continue with  
470 proceedings pursuant to s. 112.324.

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

475 (8) (a) An individual required to file a disclosure  
476 pursuant to this section may have the disclosure prepared by an  
477 attorney in good standing with The Florida Bar or by a certified  
478 public accountant licensed under chapter 473. After preparing a  
479 disclosure form, the attorney or certified public accountant  
480 must sign the form indicating that he or she prepared the form  
481 in accordance with this section and the instructions for  
482 completing and filing the disclosure forms and that, upon his or  
483 her reasonable knowledge and belief, the disclosure is true and  
484 correct. If a complaint is filed alleging a failure to disclose  
485 information required by this section, the commission shall  
486 determine whether the information was disclosed to the attorney  
487 or certified public accountant. The failure of the attorney or  
488 certified public accountant to accurately transcribe information  
489 provided by the individual required to file is not a violation  
490 of this section.

491 (b) An elected officer or candidate who chooses to use an  
492 attorney or a certified public accountant to prepare his or her

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493 disclosure may pay for the services of the attorney or certified  
494 public accountant from funds in an office account created  
495 pursuant to s. 106.141 or, during a year that the individual  
496 qualifies for election to public office, the candidate's  
497 campaign depository pursuant to s. 106.021.

498 Section 8. Section 112.31445, Florida Statutes, is created  
499 to read:

500 112.31445 Electronic filing system; full and public  
501 disclosure of financial interests.-

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

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

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

515 (a) Provide for access through the Internet.

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

519 (c) Provide for direct completion of the full and public  
520 disclosure of financial interests forms as well as upload such

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521 information using software approved by the commission.

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

524 (e) Provide a method for an attorney or certified public  
525 accountant licensed in this state to sign the disclosure form to  
526 indicate that he or she prepared the form in accordance with s.  
527 112.3144 and the instructions for completing and filing the  
528 disclosure form and that, upon his or her reasonable knowledge  
529 and belief, the form is true and correct.

530 (f) Address whether additional statutory or rulemaking  
531 authority is necessary for implementation of the system, and  
532 must include, at a minimum, the following elements: alternate  
533 filing procedures to be used in the event that the commission's  
534 electronic filing system is inoperable, issuance of an  
535 electronic receipt via electronic mail indicating and verifying  
536 to the individual who submitted the full and public disclosure  
537 of financial interests form that the form has been filed, and a  
538 determination of the feasibility and necessity of including  
539 statements of financial interests filed pursuant to s. 112.3145  
540 in the proposed system.

541 Section 9. Paragraphs (a) and (b) of subsection (1),  
542 paragraph (a) of subsection (2), and subsection (3) of section  
543 112.3145, Florida Statutes, are amended, present subsection (9)  
544 of that section is renumbered as subsection (11), and new  
545 subsections (9) and (10) are added to that section, to read:

546 112.3145 Disclosure of financial interests and clients  
547 represented before agencies.—

548 (1) For purposes of this section, unless the context

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549 otherwise requires, the term:

550 (a) "Local officer" means:

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

554 2. Any appointed member of any of the following boards,  
555 councils, commissions, authorities, or other bodies of any  
556 county, municipality, school district, independent special  
557 district, or other political subdivision of the state:

558 a. The governing body of the political subdivision, if  
559 appointed;

560 ~~b. An expressway authority or transportation authority~~  
561 ~~established by general law;~~

562 ~~b.e.~~ A community college or junior college district board  
563 of trustees;

564 ~~c.d.~~ A board having the power to enforce local code  
565 provisions;

566 ~~d.e.~~ A planning or zoning board, board of adjustment,  
567 board of appeals, community redevelopment agency board, or other  
568 board having the power to recommend, create, or modify land  
569 planning or zoning within the political subdivision, except for  
570 citizen advisory committees, technical coordinating committees,  
571 and such other groups who only have the power to make  
572 recommendations to planning or zoning boards;

573 ~~e.f.~~ A pension board or retirement board having the power  
574 to invest pension or retirement funds or the power to make a  
575 binding determination of one's entitlement to or amount of a  
576 pension or other retirement benefit; or

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

581 3. Any person holding one or more of the following  
582 positions: mayor; county or city manager; chief administrative  
583 employee of a county, municipality, or other political  
584 subdivision; county or municipal attorney; finance director of a  
585 county, municipality, or other political subdivision; chief  
586 county or municipal building code inspector; county or municipal  
587 water resources coordinator; county or municipal pollution  
588 control director; county or municipal environmental control  
589 director; county or municipal administrator, with power to grant  
590 or deny a land development permit; chief of police; fire chief;  
591 municipal clerk; district school superintendent; community  
592 college president; district medical examiner; or purchasing  
593 agent having the authority to make any purchase exceeding the  
594 threshold amount provided for in s. 287.017 for CATEGORY ONE, on  
595 behalf of any political subdivision of the state or any entity  
596 thereof.

597 (b) "Specified state employee" means:

598 1. Public counsel created by chapter 350, an assistant  
599 state attorney, an assistant public defender, a criminal  
600 conflict and civil regional counsel, an assistant criminal  
601 conflict and civil regional counsel, a full-time state employee  
602 who serves as counsel or assistant counsel to any state agency,  
603 the Deputy Chief Judge of Compensation Claims, a judge of  
604 compensation claims, an administrative law judge, or a hearing

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officer.

605

606           2. Any person employed in the office of the Governor or in  
607 the office of any member of the Cabinet if that person is exempt  
608 from the Career Service System, except persons employed in  
609 clerical, secretarial, or similar positions.

610           3. The State Surgeon General or each appointed secretary,  
611 assistant secretary, deputy secretary, executive director,  
612 assistant executive director, or deputy executive director of  
613 each state department, commission, board, or council; unless  
614 otherwise provided, the division director, assistant division  
615 director, deputy director, bureau chief, and assistant bureau  
616 chief of any state department or division; or any person having  
617 the power normally conferred upon such persons, by whatever  
618 title.

619           4. The superintendent or institute director of a state  
620 mental health institute established for training and research in  
621 the mental health field or the warden or director of any major  
622 state institution or facility established for corrections,  
623 training, treatment, or rehabilitation.

624           5. Business managers, purchasing agents having the power  
625 to make any purchase exceeding the threshold amount provided for  
626 in s. 287.017 for CATEGORY ONE, finance and accounting  
627 directors, personnel officers, or grants coordinators for any  
628 state agency.

629           6. Any person, other than a legislative assistant exempted  
630 by the presiding officer of the house by which the legislative  
631 assistant is employed, who is employed in the legislative branch  
632 of government, except persons employed in maintenance, clerical,

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633 secretarial, or similar positions.

634 7. Each employee of the Commission on Ethics.

635 (2) (a) A person seeking nomination or election to a state  
636 or local elective office shall file a statement of financial  
637 interests together with, and at the same time he or she files,  
638 qualifying papers. When a candidate has qualified for office  
639 prior to the deadline to file an annual statement of financial  
640 interests, the statement of financial interests that is filed  
641 with the candidate's qualifying papers shall be deemed to  
642 satisfy the annual disclosure requirement of this section. The  
643 qualifying officer must record that the statement of financial  
644 interests was timely filed. However, if a candidate does not  
645 qualify until after the annual statement of financial interests  
646 has been filed, the candidate may file a copy of his or her  
647 statement with the qualifying officer.

648 (3) The statement of financial interests for state  
649 officers, specified state employees, local officers, and persons  
650 seeking to qualify as candidates for state or local office shall  
651 be filed even if the reporting person holds no financial  
652 interests requiring disclosure, in which case the statement  
653 shall be marked "not applicable." Otherwise, the statement of  
654 financial interests shall include, at the filer's option,  
655 either:

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

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

663 2. All sources of income to a business entity in excess of  
664 10 percent of the gross income of a business entity in which the  
665 reporting person held a material interest and from which he or  
666 she received an amount which was in excess of 10 percent of his  
667 or her gross income during the disclosure period and which  
668 exceeds \$1,500. The period for computing the gross income of the  
669 business entity is the fiscal year of the business entity which  
670 ended on, or immediately prior to, the end of the disclosure  
671 period of the person reporting;

672 3. The location or description of real property in this  
673 state, except for residences and vacation homes, owned directly  
674 or indirectly by the person reporting, when such person owns in  
675 excess of 5 percent of the value of such real property, and a  
676 general description of any intangible personal property worth in  
677 excess of 10 percent of such person's total assets. For the  
678 purposes of this paragraph, indirect ownership does not include  
679 ownership by a spouse or minor child; and

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

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

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689 2. All sources of income to a business entity in excess of  
690 10 percent of the gross income of a business entity in which the  
691 reporting person held a material interest and from which he or  
692 she received gross income exceeding \$5,000 during the disclosure  
693 period. The period for computing the gross income of the  
694 business entity is the fiscal year of the business entity which  
695 ended on, or immediately prior to, the end of the disclosure  
696 period of the person reporting;

697 3. The location or description of real property in this  
698 state, except for residence and vacation homes, owned directly  
699 or indirectly by the person reporting, when such person owns in  
700 excess of 5 percent of the value of such real property, and a  
701 general description of any intangible personal property worth in  
702 excess of \$10,000. For the purpose of this paragraph, indirect  
703 ownership does not include ownership by a spouse or minor child;  
704 and

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

706  
707 A person filing a statement of financial interests shall  
708 indicate on the statement whether he or she is using the method  
709 specified in paragraph (a) or paragraph (b) of this subsection.

710 (9) (a) The commission shall treat an amended statement of  
711 financial interests that is filed prior to September 1 of the  
712 current year as the original filing, regardless of whether a  
713 complaint has been filed. If a complaint pertaining to the  
714 current year alleges a failure to properly and accurately  
715 disclose any information required by this section or if a  
716 complaint filed pertaining to a previous reporting period within

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717 the preceding 5 years alleges a failure to properly and  
718 accurately disclose any information required to be disclosed by  
719 this section, the commission may immediately follow complaint  
720 procedures in s. 112.324. However, if a complaint filed after  
721 August 25 alleges an immaterial, inconsequential, or de minimis  
722 error or omission, the commission may not take any action on the  
723 complaint, other than notifying the filer of the complaint. The  
724 filer must be given 30 days to file an amended statement of  
725 financial interests correcting any errors. If the filer does not  
726 file an amended statement of financial interests within 30 days  
727 after the commission sends notice of the complaint, the  
728 commission may continue with proceedings pursuant to s. 112.324.

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

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745 commission may continue with proceedings pursuant to s. 112.324.

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

750 (10) (a) An individual required to file a disclosure  
751 pursuant to this section may have the disclosure prepared by an  
752 attorney in good standing with The Florida Bar or by a certified  
753 public accountant licensed under chapter 473. After preparing a  
754 disclosure form, the attorney or certified public accountant  
755 must sign the form indicating that he or she prepared the form  
756 in accordance with this section and the instructions for  
757 completing and filing the disclosure forms and that, upon his or  
758 her reasonable knowledge and belief, the disclosure is true and  
759 correct. If a complaint is filed alleging a failure to disclose  
760 information required by this section, the commission shall  
761 determine whether the information was disclosed to the attorney  
762 or certified public accountant. The failure of the attorney or  
763 certified public accountant to accurately transcribe information  
764 provided by the individual who is required to file the  
765 disclosure does not constitute a violation of this section.

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

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773 Section 10. Section 112.31455, Florida Statutes, is  
774 created to read:

775 112.31455 Collection methods for unpaid automatic fines  
776 for failure to timely file disclosure of financial interests.-

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

785 (a) After receipt and verification of the notice from the  
786 commission, the Chief Financial Officer or the governing body of  
787 the county, municipality, or special district shall begin  
788 withholding the lesser of 10 percent or the maximum amount  
789 allowed under federal law from any salary-related payment. The  
790 withheld payments shall be remitted to the commission until the  
791 fine is satisfied.

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

796 (2) If the commission determines that the individual who  
797 is the subject of an unpaid fine accrued pursuant to s.  
798 112.3144(5) or s. 112.3145(6) is no longer a public officer or  
799 public employee or if the commission is unable to determine  
800 whether the individual is a current public officer or public

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801 employee, the commission may, 6 months after the order becomes  
802 final, seek garnishment of any wages to satisfy the amount of  
803 the fine, or any unpaid portion thereof, pursuant to chapter 77.  
804 Upon recording the order imposing the fine with the clerk of the  
805 circuit court, the order shall be deemed a judgment for purposes  
806 of garnishment pursuant to chapter 77.

807 (3) The commission may refer unpaid fines to the  
808 appropriate collection agency, as directed by the Chief  
809 Financial Officer, to utilize any collection methods provided by  
810 law. Except as expressly limited by this section, any other  
811 collection methods authorized by law are allowed.

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

815 Section 11. Section 112.3147, Florida Statutes, is amended  
816 to read:

817 112.3147 Forms.—Except as otherwise provided, all  
818 information required to be furnished by ss. 112.313, 112.3143,  
819 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II  
820 of the State Constitution shall be on forms prescribed by the  
821 Commission on Ethics.

822 Section 12. Paragraph (e) of subsection (2) of section  
823 112.3148, Florida Statutes, is amended and paragraph (f) is  
824 added to that subsection, and subsections (3) through (5) of  
825 that section are amended, to read:

826 112.3148 Reporting and prohibited receipt of gifts by  
827 individuals filing full or limited public disclosure of  
828 financial interests and by procurement employees.—

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829 (2) As used in this section:

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

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

845 (3) A reporting individual or procurement employee is  
846 prohibited from soliciting any gift from a vendor doing business  
847 with the reporting individual's or procurement employee's  
848 agency, a political committee ~~or committee of continuous~~  
849 ~~existence~~, as defined in s. 106.011, or ~~from~~ a lobbyist who  
850 lobbies the reporting individual's or procurement employee's  
851 agency, or the partner, firm, employer, or principal of such  
852 lobbyist, where such gift is for the personal benefit of the  
853 reporting individual or procurement employee, another reporting  
854 individual or procurement employee, or any member of the  
855 immediate family of a reporting individual or procurement  
856 employee.

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

874 (5) (a) A vendor doing business with the reporting  
875 individual's or procurement employee's agency; a political  
876 committee ~~or a committee of continuous existence~~, as defined in  
877 s. 106.011; a lobbyist who lobbies a reporting individual's or  
878 procurement employee's agency; the partner, firm, employer, or  
879 principal of a lobbyist; or another on behalf of the lobbyist or  
880 partner, firm, principal, or employer of the lobbyist is  
881 prohibited from giving, either directly or indirectly, a gift  
882 that has a value in excess of \$100 to the reporting individual  
883 or procurement employee or any other person on his or her  
884 behalf; however, such person may give a gift having a value in

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885 excess of \$100 to a reporting individual or procurement employee  
886 if the gift is intended to be transferred to a governmental  
887 entity or a charitable organization.

888 (b) However, a person who is regulated by this subsection,  
889 who is not regulated by subsection (6), and who makes, or  
890 directs another to make, an individual gift having a value in  
891 excess of \$25, but not in excess of \$100, other than a gift that  
892 the donor knows will be accepted on behalf of a governmental  
893 entity or charitable organization, must file a report on the  
894 last day of each calendar quarter for the previous calendar  
895 quarter in which a reportable gift is made. The report shall be  
896 filed with the Commission on Ethics, except with respect to  
897 gifts to reporting individuals of the legislative branch, in  
898 which case the report shall be filed with the Office of  
899 Legislative Services. The report must contain a description of  
900 each gift, the monetary value thereof, the name and address of  
901 the person making such gift, the name and address of the  
902 recipient of the gift, and the date such gift is given. In  
903 addition, if a gift is made which requires the filing of a  
904 report under this subsection, the donor must notify the intended  
905 recipient at the time the gift is made that the donor, or  
906 another on his or her behalf, will report the gift under this  
907 subsection. Under this paragraph, a gift need not be reported by  
908 more than one person or entity.

909 Section 13. Section 112.31485, Florida Statutes, is  
910 created to read:

911 112.31485 Prohibition on gifts involving political  
912 committees.-

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

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

920       (2) (a) A reporting individual or procurement employee or a  
921 member of his or her immediate family is prohibited from  
922 soliciting or knowingly accepting, directly or indirectly, any  
923 gift from a political committee.

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

927       (3) Any person who violates this section is subject to a  
928 civil penalty equal to three times the amount of the gift. Such  
929 penalty is in addition to the penalties provided in s. 112.317  
930 and shall be paid to the General Revenue Fund of the state. A  
931 reporting individual or procurement employee or a member of his  
932 or her immediate family who violates this section is personally  
933 liable for payment of the treble penalty. Any agent or person  
934 acting on behalf of a political committee who gives a prohibited  
935 gift is personally liable for payment of the treble penalty.

936       Section 14. Paragraph (e) of subsection (1) of section  
937 112.3149, Florida Statutes, is amended, and paragraph (f) is  
938 added to that subsection, and subsections (3) and (4) of that  
939 section are amended, to read:

940       112.3149 Solicitation and disclosure of honoraria.—

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941 (1) As used in this section:

942 (e) "Procurement employee" means any employee of an  
943 officer, department, board, commission, ~~or~~ council, or agency of  
944 the executive branch or judicial branch of state government who  
945 has participated in the preceding 12 months ~~participates~~ through  
946 decision, approval, disapproval, recommendation, preparation of  
947 any part of a purchase request, influencing the content of any  
948 specification or procurement standard, rendering of advice,  
949 investigation, or auditing or in any other advisory capacity in  
950 the procurement of contractual services or commodities as  
951 defined in s. 287.012, if the cost of such services or  
952 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

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

956 (3) A reporting individual or procurement employee is  
957 prohibited from knowingly accepting an honorarium from a  
958 political committee ~~or committee of continuous existence~~, as  
959 defined in s. 106.011, from a vendor doing business with the  
960 reporting individual's or procurement employee's agency, from a  
961 lobbyist who lobbies the reporting individual's or procurement  
962 employee's agency, or from the employer, principal, partner, or  
963 firm of such a lobbyist.

964 (4) A political committee ~~or committee of continuous~~  
965 ~~existence~~, as defined in s. 106.011, a vendor doing business  
966 with the reporting individual's or procurement employee's  
967 agency, a lobbyist who lobbies a reporting individual's or  
968 procurement employee's agency, or the employer, principal,

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969 partner, or firm of such a lobbyist is prohibited from giving an  
970 honorarium to a reporting individual or procurement employee.

971 Section 15. Section 112.317, Florida Statutes, is amended  
972 to read:

973 112.317 Penalties.—

974 (1) Any violation of ~~any provision of~~ this part,  
975 including, but not limited to, ~~any~~ failure to file ~~any~~  
976 disclosures required by this part or violation of any standard  
977 of conduct imposed by this part, or any violation of ~~any~~  
978 ~~provision of~~ s. 8, Art. II of the State Constitution, in  
979 addition to any criminal penalty or other civil penalty  
980 involved, ~~shall~~, under applicable constitutional and statutory  
981 procedures, constitutes ~~constitute~~ grounds for, and may be  
982 punished by, one or more of the following:

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

- 984 1. Impeachment.
- 985 2. Removal from office.
- 986 3. Suspension from office.
- 987 4. Public censure and reprimand.
- 988 5. Forfeiture of no more than one-third of his or her  
989 salary per month for no more than 12 months.
- 990 6. A civil penalty not to exceed \$10,000.
- 991 7. Restitution of any pecuniary benefits received because  
992 of the violation committed. The commission may recommend that  
993 the restitution penalty be paid to the agency of which the  
994 public officer was a member or to the General Revenue Fund.

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

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an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in his or her salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.
8. Public censure and reprimand.

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

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

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

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.

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1025 3. Restitution of any pecuniary benefits received because  
1026 of the violation committed. The commission may recommend that  
1027 the restitution penalty be paid to the agency of the public  
1028 officer or employee or to the General Revenue Fund.

1029 (e) In the case of a person who is subject to the  
1030 standards of this part, other than a lobbyist or lobbying firm  
1031 under s. 112.3215 for a violation of s. 112.3215, but who is not  
1032 a public officer or employee:

1033 1. Public censure and reprimand.

1034 2. A civil penalty not to exceed \$10,000.

1035 3. Restitution of any pecuniary benefits received because  
1036 of the violation committed. The commission may recommend that  
1037 the restitution penalty be paid to the agency of the person or  
1038 to the General Revenue Fund.

1039 (2) In any case in which the commission finds a violation  
1040 of this part or of s. 8, Art. II of the State Constitution and  
1041 the proper disciplinary official or body under s. 112.324  
1042 imposes a civil penalty or restitution penalty, the Attorney  
1043 General shall bring a civil action to recover such penalty. No  
1044 defense may be raised in the civil action to enforce the civil  
1045 penalty or order of restitution that could have been raised by  
1046 judicial review of the administrative findings and  
1047 recommendations of the commission by certiorari to the district  
1048 court of appeal. The Attorney General shall collect any costs,  
1049 attorney's fees, expert witness fees, or other costs of  
1050 collection incurred in bringing the action.

1051 (3) The penalties prescribed in this part shall not be  
1052 construed to limit or to conflict with:

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1053 (a) The power of either house of the Legislature to  
1054 discipline its own members or impeach a public officer.

1055 (b) The power of agencies to discipline officers or  
1056 employees.

1057 (4) Any violation of this part or of s. 8, Art. II of the  
1058 State Constitution by a public officer constitutes ~~shall~~  
1059 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in  
1060 office within the meaning of s. 7, Art. IV of the State  
1061 Constitution.

1062 (5) By order of the Governor, upon recommendation of the  
1063 commission, any elected municipal officer who violates ~~any~~  
1064 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State  
1065 Constitution may be suspended from office and the office filled  
1066 by appointment for the period of suspension. The suspended  
1067 officer may at any time before removal be reinstated by the  
1068 Governor. The Senate may, in proceedings prescribed by law,  
1069 remove from office, or reinstate, the suspended official, and  
1070 for such purpose the Senate may be convened in special session  
1071 by its President or by a majority of its membership.

1072 (6) In any case in which the commission finds probable  
1073 cause to believe that a complainant has committed perjury in  
1074 regard to any document filed with, or any testimony given  
1075 before, the commission, it shall refer such evidence to the  
1076 appropriate law enforcement agency for prosecution and taxation  
1077 of costs.

1078 (7) In any case in which the commission determines that a  
1079 person has filed a complaint against a public officer or  
1080 employee with a malicious intent to injure the reputation of

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1081 such officer or employee by filing the complaint with knowledge  
1082 that the complaint contains one or more false allegations or  
1083 with reckless disregard for whether the complaint contains false  
1084 allegations of fact material to a violation of this part, the  
1085 complainant shall be liable for costs plus reasonable attorney  
1086 ~~attorney's~~ fees incurred in the defense of the person complained  
1087 against, including the costs and reasonable attorney ~~attorney's~~  
1088 fees incurred in proving entitlement to and the amount of costs  
1089 and fees. If the complainant fails to pay such costs and fees  
1090 voluntarily within 30 days following such finding by the  
1091 commission, the commission shall forward such information to the  
1092 Department of Legal Affairs, which shall bring a civil action in  
1093 a court of competent jurisdiction to recover the amount of such  
1094 costs and fees awarded by the commission.

1095 Section 16. Paragraphs (a) and (c) of subsection (8) and  
1096 subsection (10) of section 112.3215, Florida Statutes, are  
1097 amended, present subsections (11) through (14) are renumbered as  
1098 (12) through (15), respectively, and a new subsection (11) is  
1099 added to that section to read:

1100 112.3215 Lobbying before the executive branch or the  
1101 Constitution Revision Commission; registration and reporting;  
1102 investigation by commission.-

1103 (8) (a) The commission shall investigate every sworn  
1104 complaint that is filed with it alleging that a person covered  
1105 by this section has failed to register, has failed to submit a  
1106 compensation report, has made a prohibited expenditure, or has  
1107 knowingly submitted false information in any report or  
1108 registration required in this section.

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1109 (c) The commission shall investigate any lobbying firm,  
1110 lobbyist, principal, agency, officer, or employee upon receipt  
1111 of information from a sworn complaint or from a random audit of  
1112 lobbying reports indicating a possible violation other than a  
1113 late-filed report.

1114 (10) If the Governor and Cabinet finds that a violation  
1115 occurred, it may reprimand the violator, censure the violator,  
1116 or prohibit the violator from lobbying all agencies for a period  
1117 not to exceed 2 years. If the violator is a lobbying firm,  
1118 lobbyist, or principal, the Governor and Cabinet may also assess  
1119 a fine of not more than \$5,000 to be deposited in the Executive  
1120 Branch Lobby Registration Trust Fund.

1121 (11) Any person who is required to be registered or to  
1122 provide information under this section or under rules adopted  
1123 pursuant to this section and who knowingly fails to disclose any  
1124 material fact that is required by this section or by rules  
1125 adopted pursuant to this section, or who knowingly provides  
1126 false information on any report required by this section or by  
1127 rules adopted pursuant to this section, commits a noncriminal  
1128 infraction, punishable by a fine not to exceed \$5,000. Such  
1129 penalty is in addition to any other penalty assessed by the  
1130 Governor and Cabinet pursuant to subsection (10).

1131 Section 17. Section 112.324, Florida Statutes, is amended  
1132 to read:

1133 112.324 Procedures on complaints of violations and  
1134 referrals; public records and meeting exemptions.—

1135 ~~(1) Upon a written complaint executed on a form prescribed~~  
1136 ~~by the commission and signed under oath or affirmation by any~~

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1137 ~~person,~~ The commission shall investigate an ~~any~~ alleged  
1138 violation of this part or ~~any~~ other alleged breach of the public  
1139 trust within the jurisdiction of the commission as provided in  
1140 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~  
1141 ~~procedures set forth herein.~~

1142 (a) Upon a written complaint executed on a form prescribed  
1143 by the commission and signed under oath of affirmation by any  
1144 person; or

1145 (b) Upon receipt of a written referral of a possible  
1146 violation of this part or other possible breach of the public  
1147 trust from the Governor, the Department of Law Enforcement, a  
1148 state attorney, or a United States Attorney which at least six  
1149 members of the commission determine is sufficient to indicate a  
1150 violation of this part or any other breach of the public trust.

1151  
1152 Within 5 days after receipt of a complaint by the commission or  
1153 a determination by at least six members of the commission that  
1154 the referral received is deemed sufficient, a copy shall be  
1155 transmitted to the alleged violator.

1156 (2) (a) The complaint and records relating to the complaint  
1157 or to any preliminary investigation held by the commission or  
1158 its agents, by a Commission on Ethics and Public Trust  
1159 established by any county defined in s. 125.011(1) or by any  
1160 municipality defined in s. 165.031, or by any county or  
1161 municipality that has established a local investigatory process  
1162 to enforce more stringent standards of conduct and disclosure  
1163 requirements as provided in s. 112.326 are confidential and  
1164 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

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1165 of the State Constitution.

1166 (b) Any proceeding conducted by the commission, a  
1167 Commission on Ethics and Public Trust, or a county or  
1168 municipality that has established such local investigatory  
1169 process, pursuant to a complaint or preliminary investigation,  
1170 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of  
1171 the State Constitution, and s. 120.525.

1172 (c) The exemptions in paragraphs (a) and (b) apply until  
1173 the complaint is dismissed as legally insufficient, until the  
1174 alleged violator requests in writing that such records and  
1175 proceedings be made public, or until the commission, a  
1176 Commission on Ethics and Public Trust, or a county or  
1177 municipality that has established such local investigatory  
1178 process determines, based on such investigation, whether  
1179 probable cause exists to believe that a violation has occurred.  
1180 ~~In no event shall~~ A complaint or referral under this part  
1181 against a candidate in any general, special, or primary election  
1182 may not be filed nor may ~~or~~ any intention of filing such a  
1183 complaint or referral be disclosed on the day of any such  
1184 election or within the 30 ~~5~~ days immediately preceding the date  
1185 of the election, unless the complaint or referral is based upon  
1186 personal information or information other than hearsay.

1187 (d) This subsection is subject to the Open Government  
1188 Sunset Review Act in accordance with s. 119.15 and shall stand  
1189 repealed on October 2, 2015, unless reviewed and saved from  
1190 repeal through reenactment by the Legislature.

1191 (3) A preliminary investigation shall be undertaken by the  
1192 commission of each legally sufficient complaint or referral over

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1193 which the commission has jurisdiction to determine whether there  
1194 is probable cause to believe that a violation has occurred. If,  
1195 upon completion of the preliminary investigation, the commission  
1196 finds no probable cause to believe that this part has been  
1197 violated or that any other breach of the public trust has been  
1198 committed, the commission shall dismiss the complaint or  
1199 referral with the issuance of a public report to the complainant  
1200 and the alleged violator, stating with particularity its reasons  
1201 for dismissal ~~of the complaint~~. At that time, the complaint or  
1202 referral and all materials relating to the complaint or referral  
1203 shall become a matter of public record. If the commission finds  
1204 from the preliminary investigation probable cause to believe  
1205 that this part has been violated or that any other breach of the  
1206 public trust has been committed, it shall so notify the  
1207 complainant and the alleged violator in writing. Such  
1208 notification and all documents made or received in the  
1209 disposition of the complaint or referral shall then become  
1210 public records. Upon request submitted to the commission in  
1211 writing, any person who the commission finds probable cause to  
1212 believe has violated any provision of this part or has committed  
1213 any other breach of the public trust shall be entitled to a  
1214 public hearing. Such person shall be deemed to have waived the  
1215 right to a public hearing if the request is not received within  
1216 14 days following the mailing of the probable cause notification  
1217 required by this subsection. However, the commission may on its  
1218 own motion, require a public hearing, may conduct such further  
1219 investigation as it deems necessary, and may enter into such  
1220 stipulations and settlements as it finds to be just and in the

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1221 best interest of the state. The commission is without  
1222 jurisdiction to, and no respondent may voluntarily or  
1223 involuntarily, enter into a stipulation or settlement which  
1224 imposes any penalty, including, but not limited to, a sanction  
1225 or admonition or any other penalty contained in s. 112.317.  
1226 Penalties shall be imposed only by the appropriate disciplinary  
1227 authority as designated in this section.

1228 (4) If, in cases pertaining to members of the Legislature,  
1229 upon completion of a full and final investigation by the  
1230 commission, the commission finds that there has been a violation  
1231 of this part or of any provision of s. 8, Art. II of the State  
1232 Constitution, the commission shall forward a copy of the  
1233 complaint or referral and its findings by certified mail to the  
1234 President of the Senate or the Speaker of the House of  
1235 Representatives, whichever is applicable, who shall refer the  
1236 complaint or referral to the appropriate committee for  
1237 investigation and action which shall be governed by the rules of  
1238 its respective house. It ~~is shall be~~ the duty of the committee  
1239 to report its final action upon the matter ~~complaint~~ to the  
1240 commission within 90 days of the date of transmittal to the  
1241 respective house. Upon request of the committee, the commission  
1242 shall submit a recommendation as to what penalty, if any, should  
1243 be imposed. In the case of a member of the Legislature, the  
1244 house in which the member serves has ~~shall have~~ the power to  
1245 invoke the penalty provisions of this part.

1246 (5) If, in cases ~~pertaining to complaints~~ against  
1247 impeachable officers, upon completion of a full and final  
1248 investigation by the commission, the commission finds that there

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1249 has been a violation of this part or of any provision of s. 8,  
1250 Art. II of the State Constitution, and the commission finds that  
1251 the violation may constitute grounds for impeachment, the  
1252 commission shall forward a copy of the complaint or referral and  
1253 its findings by certified mail to the Speaker of the House of  
1254 Representatives, who shall refer the complaint or referral to  
1255 the appropriate committee for investigation and action which  
1256 shall be governed by the rules of the House of Representatives.  
1257 It is ~~shall be~~ the duty of the committee to report its final  
1258 action upon the matter ~~complaint~~ to the commission within 90  
1259 days of the date of transmittal.

1260 (6) If the commission finds that there has been a  
1261 violation of this part or of any provision of s. 8, Art. II of  
1262 the State Constitution by an impeachable officer other than the  
1263 Governor, and the commission recommends public censure and  
1264 reprimand, forfeiture of a portion of the officer's salary, a  
1265 civil penalty, or restitution, the commission shall report its  
1266 findings and recommendation of disciplinary action to the  
1267 Governor, who has ~~shall have~~ the power to invoke the penalty  
1268 provisions of this part.

1269 (7) If the commission finds that there has been a  
1270 violation of this part or of any provision of s. 8, Art. II of  
1271 the State Constitution by the Governor, and the commission  
1272 recommends public censure and reprimand, forfeiture of a portion  
1273 of the Governor's salary, a civil penalty, or restitution, the  
1274 commission shall report its findings and recommendation of  
1275 disciplinary action to the Attorney General, who shall have the  
1276 power to invoke the penalty provisions of this part.

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1277 (8) If, in cases ~~pertaining to complaints~~ other than  
1278 complaints or referrals against impeachable officers or members  
1279 of the Legislature, upon completion of a full and final  
1280 investigation by the commission, the commission finds that there  
1281 has been a violation of this part or of s. 8, Art. II of the  
1282 State Constitution, it is ~~shall be~~ the duty of the commission to  
1283 report its findings and recommend appropriate action to the  
1284 proper disciplinary official or body as follows, and such  
1285 official or body has ~~shall have~~ the power to invoke the penalty  
1286 provisions of this part, including the power to order the  
1287 appropriate elections official to remove a candidate from the  
1288 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.  
1289 II of the State Constitution:

1290 (a) The President of the Senate and the Speaker of the  
1291 House of Representatives, jointly, in any case concerning the  
1292 Public Counsel, members of the Public Service Commission,  
1293 members of the Public Service Commission Nominating Council, the  
1294 Auditor General, or the director of the Office of Program Policy  
1295 Analysis and Government Accountability.

1296 (b) The Supreme Court, in any case concerning an employee  
1297 of the judicial branch.

1298 (c) The President of the Senate, in any case concerning an  
1299 employee of the Senate; the Speaker of the House of  
1300 Representatives, in any case concerning an employee of the House  
1301 of Representatives; or the President and the Speaker, jointly,  
1302 in any case concerning an employee of a committee of the  
1303 Legislature whose members are appointed solely by the President  
1304 and the Speaker or in any case concerning an employee of the

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1305 Public Counsel, Public Service Commission, Auditor General, or  
1306 Office of Program Policy Analysis and Government Accountability.

1307 (d) Except as otherwise provided by this part, the  
1308 Governor, in the case of any other public officer, public  
1309 employee, former public officer or public employee, candidate or  
1310 former candidate, or person who is not a public officer or  
1311 employee, other than lobbyists and lobbying firms under s.  
1312 112.3215 for violations of s. 112.3215.

1313 (e) The President of the Senate or the Speaker of the  
1314 House of Representatives, whichever is applicable, in any case  
1315 concerning a former member of the Legislature who has violated a  
1316 provision applicable to former members or whose violation  
1317 occurred while a member of the Legislature.

1318 (9) In addition to reporting its findings to the proper  
1319 disciplinary body or official, the commission shall report these  
1320 findings to the state attorney or any other appropriate official  
1321 or agency having authority to initiate prosecution when  
1322 violation of criminal law is indicated.

1323 (10) Notwithstanding the foregoing procedures of this  
1324 section, a sworn complaint against any member or employee of the  
1325 Commission on Ethics for violation of this part or of s. 8, Art.  
1326 II of the State Constitution shall be filed with the President  
1327 of the Senate and the Speaker of the House of Representatives.  
1328 Each presiding officer shall, after determining that there are  
1329 sufficient grounds for review, appoint three members of their  
1330 respective bodies to a special joint committee who shall  
1331 investigate the complaint. The members shall elect a chair from  
1332 among their number. If the special joint committee finds

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1333 insufficient evidence to establish probable cause to believe a  
1334 violation of this part or of s. 8, Art. II of the State  
1335 Constitution has occurred, it shall dismiss the complaint. If,  
1336 upon completion of its preliminary investigation, the committee  
1337 finds sufficient evidence to establish probable cause to believe  
1338 a violation has occurred, the chair thereof shall transmit such  
1339 findings to the Governor who shall convene a meeting of the  
1340 Governor, the President of the Senate, the Speaker of the House  
1341 of Representatives, and the Chief Justice of the Supreme Court  
1342 to take such final action on the complaint as they shall deem  
1343 appropriate, consistent with the penalty provisions of this  
1344 part. Upon request of a majority of the Governor, the President  
1345 of the Senate, the Speaker of the House of Representatives, and  
1346 the Chief Justice of the Supreme Court, the special joint  
1347 committee shall submit a recommendation as to what penalty, if  
1348 any, should be imposed.

1349 (11) (a) Notwithstanding subsections (1)-(8), the  
1350 commission may dismiss any complaint or referral at any stage of  
1351 disposition if it determines that the violation that is alleged  
1352 or has occurred is a de minimis violation attributable to  
1353 inadvertent or unintentional error. In determining whether a  
1354 violation was de minimis, the commission shall consider whether  
1355 the interests of the public were protected despite the  
1356 violation. This subsection does not apply to complaints or  
1357 referrals pursuant to ss. 112.3144 and 112.3145.

1358 (b) For the purposes of this subsection, a de minimis  
1359 violation is any violation that is unintentional and not  
1360 material in nature.

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1361        ~~(12)-(11)~~ Notwithstanding the provisions of subsections  
1362        (1)-(8), the commission may, at its discretion, dismiss any  
1363        complaint or referral at any stage of disposition should it  
1364        determine that the public interest would not be served by  
1365        proceeding further, in which case the commission shall issue a  
1366        public report stating with particularity its reasons for the  
1367        dismissal.

1368            Section 18. For the purpose of incorporating the amendment  
1369        made by this act to section 112.3143, Florida Statutes, in a  
1370        reference thereto, subsection (1) of section 120.665, Florida  
1371        Statutes, is reenacted to read:

1372            120.665 Disqualification of agency personnel.—

1373            (1) Notwithstanding the provisions of s. 112.3143, any  
1374        individual serving alone or with others as an agency head may be  
1375        disqualified from serving in an agency proceeding for bias,  
1376        prejudice, or interest when any party to the agency proceeding  
1377        shows just cause by a suggestion filed within a reasonable  
1378        period of time prior to the agency proceeding. If the  
1379        disqualified individual was appointed, the appointing power may  
1380        appoint a substitute to serve in the matter from which the  
1381        individual is disqualified. If the individual is an elected  
1382        official, the Governor may appoint a substitute to serve in the  
1383        matter from which the individual is disqualified. However, if a  
1384        quorum remains after the individual is disqualified, it shall  
1385        not be necessary to appoint a substitute.

1386            Section 19. For the purpose of incorporating the amendment  
1387        made by this act to section 112.3143, Florida Statutes, in a  
1388        reference thereto, section 286.012, Florida Statutes, is

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reenacted to read:

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

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

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Chief Financial Officer shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Chief Financial Officer, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is

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1417 rebuttable. Nothing in this section is intended to deny rights  
1418 provided to career service employees by s. 110.227.

1419 Section 21. Paragraph (c) of subsection (1) of section  
1420 288.901, Florida Statutes, is amended to read:

1421 288.901 Enterprise Florida, Inc.—

1422 (1) CREATION.—

1423 (c) The Legislature determines that it is in the public  
1424 interest for the members of Enterprise Florida, Inc., board of  
1425 directors to be subject to the requirements of ss. 112.3135,  
1426 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),  
1427 notwithstanding the fact that the board members are not public  
1428 officers or employees. For purposes of those sections, the board  
1429 members shall be considered to be public officers or employees.  
1430 The exemption set forth in s. 112.313(12) for advisory boards  
1431 applies to the members of Enterprise Florida, Inc., board of  
1432 directors. Further, each member of the board of directors who is  
1433 not otherwise required to file financial disclosures pursuant to  
1434 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
1435 file disclosure of financial interests pursuant to s. 112.3145.

1436 Section 22. Subsection (1) of section 445.007, Florida  
1437 Statutes, is reenacted for the purpose of incorporating the  
1438 amendment made by this act to section 112.3143, Florida  
1439 Statutes, in a reference thereto, and subsection (11) of that  
1440 section is amended, to read:

1441 445.007 Regional workforce boards.—

1442 (1) One regional workforce board shall be appointed in  
1443 each designated service delivery area and shall serve as the  
1444 local workforce investment board pursuant to Pub. L. No. 105-

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1445 220. The membership of the board shall be consistent with Pub.  
1446 L. No. 105-220, Title I, s. 117(b) but may not exceed the  
1447 minimum membership required in Pub. L. No. 105-220, Title I, s.  
1448 117(b) (2) (A) and in this subsection. Upon approval by the  
1449 Governor, the chief elected official may appoint additional  
1450 members above the limit set by this subsection. If a public  
1451 education or training provider is represented on the board, a  
1452 representative of a private nonprofit provider and a  
1453 representative of a private for-profit provider must also be  
1454 appointed to the board. The board shall include one nonvoting  
1455 representative from a military installation if a military  
1456 installation is located within the region and the appropriate  
1457 military command or organization authorizes such representation.  
1458 It is the intent of the Legislature that membership of a  
1459 regional workforce board include persons who are current or  
1460 former recipients of welfare transition assistance as defined in  
1461 s. 445.002(2) or workforce services as provided in s. 445.009(1)  
1462 or that such persons be included as ex officio members of the  
1463 board or of committees organized by the board. The importance of  
1464 minority and gender representation shall be considered when  
1465 making appointments to the board. The board, its committees,  
1466 subcommittees, and subdivisions, and other units of the  
1467 workforce system, including units that may consist in whole or  
1468 in part of local governmental units, may use any method of  
1469 telecommunications to conduct meetings, including establishing a  
1470 quorum through telecommunications, provided that the public is  
1471 given proper notice of the telecommunications meeting and  
1472 reasonable access to observe and, when appropriate, participate.

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1473 Regional workforce boards are subject to chapters 119 and 286  
1474 and s. 24, Art. I of the State Constitution. If the regional  
1475 workforce board enters into a contract with an organization or  
1476 individual represented on the board of directors, the contract  
1477 must be approved by a two-thirds vote of the board, a quorum  
1478 having been established, and the board member who could benefit  
1479 financially from the transaction must abstain from voting on the  
1480 contract. A board member must disclose any such conflict in a  
1481 manner that is consistent with the procedures outlined in s.  
1482 112.3143. Each member of a regional workforce board who is not  
1483 otherwise required to file a full and public disclosure of  
1484 financial interests pursuant to s. 8, Art. II of the State  
1485 Constitution or s. 112.3144 shall file a statement of financial  
1486 interests pursuant to s. 112.3145. The executive director or  
1487 designated person responsible for the operational and  
1488 administrative functions of the regional workforce board who is  
1489 not otherwise required to file a full and public disclosure of  
1490 financial interests pursuant to s. 8, Art. II of the State  
1491 Constitution or s. 112.3144 shall file a statement of financial  
1492 interests pursuant to s. 112.3145.

1493 (11) To increase transparency and accountability, a  
1494 regional workforce board must comply with the requirements of  
1495 this section before contracting with a member of the board or a  
1496 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a  
1497 board member or of an employee of the board. Such contracts may  
1498 not be executed before or without the approval of Workforce  
1499 Florida, Inc. Such contracts, as well as documentation  
1500 demonstrating adherence to this section as specified by

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1501 Workforce Florida, Inc., must be submitted to the Department of  
1502 Economic Opportunity for review and recommendation according to  
1503 criteria to be determined by Workforce Florida, Inc. Such a  
1504 contract must be approved by a two-thirds vote of the board, a  
1505 quorum having been established; all conflicts of interest must  
1506 be disclosed before the vote; and any member who may benefit  
1507 from the contract, or whose relative may benefit from the  
1508 contract, must abstain from the vote. A contract under \$25,000  
1509 between a regional workforce board and a member of that board or  
1510 between a relative, as defined in s. 112.3143(1)(c)  
1511 ~~112.3143(1)(b)~~, of a board member or of an employee of the board  
1512 is not required to have the prior approval of Workforce Florida,  
1513 Inc., but must be approved by a two-thirds vote of the board, a  
1514 quorum having been established, and must be reported to the  
1515 Department of Economic Opportunity and Workforce Florida, Inc.,  
1516 within 30 days after approval. If a contract cannot be approved  
1517 by Workforce Florida, Inc., a review of the decision to  
1518 disapprove the contract may be requested by the regional  
1519 workforce board or other parties to the disapproved contract.

1520 Section 23. For the purpose of incorporating the amendment  
1521 made by this act to section 112.3143, Florida Statutes, in a  
1522 reference thereto, paragraph (m) of subsection (5) of section  
1523 627.311, Florida Statutes, is reenacted to read:

1524 627.311 Joint underwriters and joint reinsurers; public  
1525 records and public meetings exemptions.—

1526 (5)

1527 (m) Senior managers and officers, as defined in the plan  
1528 of operation, and members of the board of governors are subject

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1529 to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,  
1530 112.316, and 112.317. Senior managers, officers, and board  
1531 members are also required to file such disclosures with the  
1532 Commission on Ethics and the Office of Insurance Regulation. The  
1533 executive director of the plan or his or her designee shall  
1534 notify each newly appointed and existing appointed member of the  
1535 board of governors, senior manager, and officer of his or her  
1536 duty to comply with the reporting requirements of s. 112.3145.  
1537 At least quarterly, the executive director of the plan or his or  
1538 her designee shall submit to the Commission on Ethics a list of  
1539 names of the senior managers, officers, and members of the board  
1540 of governors who are subject to the public disclosure  
1541 requirements under s. 112.3145. Notwithstanding s. 112.313, an  
1542 employee, officer, owner, or director of an insurance agency,  
1543 insurance company, or other insurance entity may be a member of  
1544 the board of governors unless such employee, officer, owner, or  
1545 director of an insurance agency, insurance company, other  
1546 insurance entity, or an affiliate provides policy issuance,  
1547 policy administration, underwriting, claims handling, or payroll  
1548 audit services. Notwithstanding s. 112.3143, such board member  
1549 may not participate in or vote on a matter if the insurance  
1550 agency, insurance company, or other insurance entity would  
1551 obtain a special or unique benefit that would not apply to other  
1552 similarly situated insurance entities.

1553 Section 24. For the purpose of incorporating the amendment  
1554 made to this act to section 112.3143, Florida Statutes, in a  
1555 reference thereto, paragraph (d) of subsection (6) of section  
1556 627.351, Florida Statutes, is reenacted to read:

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1557 627.351 Insurance risk apportionment plans.—

1558 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1559 (d)1. All prospective employees for senior management  
1560 positions, as defined by the plan of operation, are subject to  
1561 background checks as a prerequisite for employment. The office  
1562 shall conduct the background checks pursuant to ss. 624.34,  
1563 624.404(3), and 628.261.

1564 2. On or before July 1 of each year, employees of the  
1565 corporation must sign and submit a statement attesting that they  
1566 do not have a conflict of interest, as defined in part III of  
1567 chapter 112. As a condition of employment, all prospective  
1568 employees must sign and submit to the corporation a conflict-of-  
1569 interest statement.

1570 3. Senior managers and members of the board of governors  
1571 are subject to part III of chapter 112, including, but not  
1572 limited to, the code of ethics and public disclosure and  
1573 reporting of financial interests, pursuant to s. 112.3145.  
1574 Notwithstanding s. 112.3143(2), a board member may not vote on  
1575 any measure that would inure to his or her special private gain  
1576 or loss; that he or she knows would inure to the special private  
1577 gain or loss of any principal by whom he or she is retained or  
1578 to the parent organization or subsidiary of a corporate  
1579 principal by which he or she is retained, other than an agency  
1580 as defined in s. 112.312; or that he or she knows would inure to  
1581 the special private gain or loss of a relative or business  
1582 associate of the public officer. Before the vote is taken, such  
1583 member shall publicly state to the assembly the nature of his or  
1584 her interest in the matter from which he or she is abstaining

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1585 from voting and, within 15 days after the vote occurs, disclose  
1586 the nature of his or her interest as a public record in a  
1587 memorandum filed with the person responsible for recording the  
1588 minutes of the meeting, who shall incorporate the memorandum in  
1589 the minutes. Senior managers and board members are also required  
1590 to file such disclosures with the Commission on Ethics and the  
1591 Office of Insurance Regulation. The executive director of the  
1592 corporation or his or her designee shall notify each existing  
1593 and newly appointed member of the board of governors and senior  
1594 managers of their duty to comply with the reporting requirements  
1595 of part III of chapter 112. At least quarterly, the executive  
1596 director or his or her designee shall submit to the Commission  
1597 on Ethics a list of names of the senior managers and members of  
1598 the board of governors who are subject to the public disclosure  
1599 requirements under s. 112.3145.

1600 4. Notwithstanding s. 112.3148 or s. 112.3149, or any  
1601 other provision of law, an employee or board member may not  
1602 knowingly accept, directly or indirectly, any gift or  
1603 expenditure from a person or entity, or an employee or  
1604 representative of such person or entity, which has a contractual  
1605 relationship with the corporation or who is under consideration  
1606 for a contract. An employee or board member who fails to comply  
1607 with subparagraph 3. or this subparagraph is subject to  
1608 penalties provided under ss. 112.317 and 112.3173.

1609 5. Any senior manager of the corporation who is employed  
1610 on or after January 1, 2007, regardless of the date of hire, who  
1611 subsequently retires or terminates employment is prohibited from  
1612 representing another person or entity before the corporation for

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1613 2 years after retirement or termination of employment from the  
1614 corporation.

1615 6. Any senior manager of the corporation who is employed  
1616 on or after January 1, 2007, regardless of the date of hire, who  
1617 subsequently retires or terminates employment is prohibited from  
1618 having any employment or contractual relationship for 2 years  
1619 with an insurer that has entered into a take-out bonus agreement  
1620 with the corporation.

1621 Section 25. This act shall take effect upon becoming a  
1622 law.

1623  
1624 -----

**T I T L E A M E N D M E N T**

1625 Remove everything before the enacting clause and insert:

1626 A bill to be entitled  
1627  
1628 An act relating to ethics; amending s. 112.312, F.S.;  
1629 revising the definitions of "business entity" and  
1630 "gift"; creating s. 112.3125, F.S.; defining the term  
1631 "public officer"; prohibiting public officers from  
1632 accepting additional employment with the state or any  
1633 of its political subdivisions under specified  
1634 conditions; amending s. 112.313, F.S.; prohibiting a  
1635 former legislator from acting as a lobbyist before an  
1636 executive branch agency, agency official, or employee  
1637 for a specified period following vacation of office;  
1638 providing definitions; creating s. 112.3142, F.S.;  
1639 defining the term "constitutional officers"; requiring  
1640 constitutional officers to complete annual ethics

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1641 training; specifying requirements for ethics training;  
1642 requiring the commission to adopt rules to establish  
1643 minimum course content; requiring each house of the  
1644 Legislature to provide for ethics training pursuant to  
1645 its rules; creating s. 112.31425, F.S.; providing  
1646 legislative findings; providing that holding an  
1647 economic interest in a qualified blind trust is not a  
1648 prohibited conflict of interest; providing that a  
1649 public officer may not attempt to influence, exercise  
1650 control of, or obtain information regarding the  
1651 holdings of the qualified blind trust; prohibiting  
1652 communication regarding the qualified blind trust  
1653 between a public officer or a person having a  
1654 beneficial interest in the trust and the trustee;  
1655 providing exceptions; requiring a public officer to  
1656 report the qualified blind trust and its value on his  
1657 or her financial disclosure form under specified  
1658 circumstances; establishing requirements for creation  
1659 of a qualified blind trust; requiring a public officer  
1660 who holds a qualified blind trust to file a notice  
1661 with the Commission on Ethics; requiring a covered  
1662 public official to file an amendment to his or her  
1663 most recent financial disclosure statement under  
1664 specified conditions; amending s. 112.3143, F.S.;  
1665 providing definitions; requiring state public officers  
1666 to abstain from voting on any matter that the officer  
1667 knows would inure to his or her special private gain  
1668 or loss; requiring that a memorandum filed after a

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1669 vote be filed no later than 15 days after the vote;  
1670 providing that a member of the Legislature satisfies  
1671 the disclosure requirement by filing a form created  
1672 pursuant to the rules of his or her respective house;  
1673 providing that confidential or privileged information  
1674 need not be disclosed; amending s. 112.3144, F.S.;  
1675 requiring the qualifying officer to electronically  
1676 transmit a full and public disclosure of financial  
1677 interests of a qualified candidate to the commission;  
1678 providing timeframes for the filing of certain  
1679 complaints; authorizing filing individuals to file an  
1680 amended statement during a specified timeframe under  
1681 specified conditions; authorizing the commission to  
1682 immediately follow complaint procedures under  
1683 specified conditions; prohibiting the commission from  
1684 taking action on complaints alleging immaterial,  
1685 inconsequential, or de minimis errors or omissions;  
1686 providing what constitutes an immaterial,  
1687 inconsequential, or de minimis error or omission;  
1688 authorizing an individual required to file a  
1689 disclosure to have the statement prepared by an  
1690 attorney or a certified public accountant; requiring  
1691 an attorney or certified public accountant to sign the  
1692 completed disclosure form to indicate compliance with  
1693 applicable requirements and that the disclosure is  
1694 true and correct based on reasonable knowledge and  
1695 belief; providing circumstances under which the  
1696 commission must determine if an attorney or a

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1697 certified public accountant failed to disclose  
1698 information provided by the filing individual on the  
1699 filed statement; providing that the failure of the  
1700 attorney or certified public accountant to accurately  
1701 transcribe information provided by the filing  
1702 individual does not constitute a violation;  
1703 authorizing an elected officer or candidate to use  
1704 funds in an office account or campaign depository to  
1705 pay an attorney or certified public accountant for  
1706 preparing a disclosure; creating s. 112.31445, F.S.;  
1707 providing a definition for "electronic filing system";  
1708 requiring all disclosures of financial interests filed  
1709 with the commission to be scanned and made publicly  
1710 available on a searchable Internet database beginning  
1711 with the 2012 filing year; requiring the commission to  
1712 submit a proposal to the President of the Senate and  
1713 the Speaker of the House of Representatives for a  
1714 mandatory electronic filing system by a specified  
1715 date; establishing minimum requirements for the  
1716 commission's proposal; amending s. 112.3145, F.S.;  
1717 revising the definitions of "local officer" and  
1718 "specified state employee"; revising procedures for  
1719 the filing of a statement of financial interests with  
1720 a candidate's qualifying papers; requiring a person  
1721 filing a statement of financial interest to indicate  
1722 the method of reporting income; providing timeframes  
1723 for the filing of certain complaints; authorizing  
1724 filing individuals to file an amended statement during

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1725 a specified timeframe under specified conditions;  
1726 authorizing the commission to immediately follow  
1727 complaint procedures under specified conditions;  
1728 prohibiting the commission from taking action on  
1729 complaints alleging immaterial, inconsequential, or de  
1730 minimis errors or omissions; providing what  
1731 constitutes an immaterial, inconsequential, or de  
1732 minimis error or omission; authorizing an individual  
1733 required to file a disclosure to have the statement  
1734 prepared by an attorney or a certified public  
1735 accountant; requiring an attorney or certified public  
1736 accountant to sign the completed disclosure form to  
1737 indicate compliance with applicable requirements and  
1738 that the disclosure is true and correct based on  
1739 reasonable knowledge and belief; providing  
1740 circumstances under which the commission must  
1741 determine if an attorney or a certified public  
1742 accountant failed to disclose information provided by  
1743 the filing individual on the filed statement;  
1744 providing that the failure of the attorney or  
1745 certified public accountant to accurately transcribe  
1746 information provided by the filing individual does not  
1747 constitute a violation; authorizing an elected officer  
1748 or candidate to use funds in an office account or  
1749 campaign depository to pay an attorney or certified  
1750 public accountant for preparing a disclosure; creating  
1751 s. 112.31455, F.S.; requiring the commission to  
1752 attempt to determine whether an individual owing

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1753 certain fines is a current public officer or public  
1754 employee; authorizing the commission to notify the  
1755 Chief Financial Officer or the governing body of a  
1756 county, municipality, or special district of the total  
1757 amount of any fine owed to the commission by such  
1758 individuals; requiring that the Chief Financial  
1759 Officer or the governing body of a county,  
1760 municipality, or special district begin withholding  
1761 portions of any salary payment that would otherwise be  
1762 paid to the current public officer or public employee;  
1763 requiring that the withheld payments be remitted to  
1764 the commission until the fine is satisfied;  
1765 authorizing the Chief Financial Officer or the  
1766 governing body to retain a portion of payment for  
1767 administrative costs; authorizing collection methods  
1768 for the commission or the Department of Financial  
1769 Services for individuals who are no longer public  
1770 officers or public employees; authorizing the  
1771 commission to contract with a collection agency;  
1772 authorizing a collection agency to utilize collection  
1773 methods authorized by law; authorizing the commission  
1774 to collect an unpaid fine within a specified period of  
1775 issuance of the final order; amending s. 112.3147,  
1776 F.S.; providing an exception to the requirement that  
1777 all forms be prescribed by the commission; amending s.  
1778 112.3148, F.S.; revising the definition of  
1779 "procurement employee"; creating a definition for  
1780 "vendor"; prohibiting a reporting individual or

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1781 procurement employee from soliciting or knowingly  
1782 accepting a gift from a vendor; deleting references to  
1783 committees of continuous existence; creating s.  
1784 112.31485, F.S.; providing definitions for "gift" and  
1785 "immediate family"; prohibiting a reporting individual  
1786 or procurement employee or a member of his or her  
1787 immediate family from soliciting or knowingly  
1788 accepting any gift from a political committee;  
1789 prohibiting a political committee from giving any gift  
1790 to a reporting individual or procurement employee or a  
1791 member of his or her immediate family; providing  
1792 penalties for a violation; requiring that individuals  
1793 who violate this section be held personally liable;  
1794 amending s. 112.3149, F.S.; revising the definition of  
1795 "procurement employee"; defining the term "vendor";  
1796 prohibiting a reporting individual or procurement  
1797 employee from knowingly accepting an honorarium from a  
1798 vendor; prohibiting a vendor from giving an honorarium  
1799 to a reporting individual or procurement employee;  
1800 amending s. 112.317, F.S.; making technical changes;  
1801 amending s. 112.3215, F.S.; authorizing the commission  
1802 to investigate sworn complaints alleging a prohibited  
1803 expenditure; authorizing the commission to investigate  
1804 a lobbyist or principal upon a sworn complaint or  
1805 random audit; authorizing the Governor and Cabinet to  
1806 assess a fine on a lobbyist or principal under  
1807 specified conditions; providing a civil penalty;  
1808 amending s. 112.324, F.S.; authorizing specified

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1809 parties to submit written referrals of a possible  
1810 violation of the Code of Ethics for Public Officers  
1811 and Employees or other possible breaches of the public  
1812 trust to the Commission on Ethics; establishing  
1813 procedures for the receipt of written referrals by the  
1814 commission; extending the period in which the  
1815 disclosure of the intent to file or the filing of a  
1816 complaint against a candidate is prohibited; providing  
1817 exceptions; authorizing the commission to dismiss a  
1818 complaint of a de minimis violation; providing  
1819 exceptions; defining a de minimis violation;  
1820 reenacting s. 120.665, F.S., relating to  
1821 disqualification of agency personnel, to incorporate  
1822 the amendments to s. 112.3143, F.S., in a reference  
1823 thereto; reenacting s. 286.012, F.S., relating to  
1824 voting requirements at meetings of governmental  
1825 bodies, to incorporate the amendments made to s.  
1826 112.3143, F.S., in a reference thereto; reenacting s.  
1827 287.175, F.S., relating to penalties, to incorporate  
1828 the amendments made to s. 112.324, F.S., in a  
1829 reference thereto; amending s. 288.901, F.S.;  
1830 conforming a cross-reference; amending s. 445.007,  
1831 F.S., and reenacting subsection (1) of that section,  
1832 relating to regional workforce boards, to incorporate  
1833 the amendments made to s. 112.3143, F.S., in a  
1834 reference thereto; conforming cross-references;  
1835 reenacting s. 627.311(5) (m), F.S., relating to joint  
1836 underwriters and joint reinsurers, to incorporate the

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1837 amendments made to s. 112.3143, F.S., in a reference  
1838 thereto; reenacting s. 627.351(6)(d), F.S., relating  
1839 to Citizens Property Insurance Corporation, to  
1840 incorporate the amendments made to s. 112.3143, F.S.;  
1841 providing an effective date.