

HB 7131

2013

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312, F.S.;
3 revising the definition of "business entity"; creating
4 s. 112.3125, F.S.; defining the term "public officer";
5 prohibiting public officers from accepting additional
6 employment with the state or any of its political
7 subdivisions under specified conditions; amending s.
8 112.313, F.S.; prohibiting the President of the Senate
9 and the Speaker of the House of Representatives from
10 personally representing another person or entity for
11 compensation before any state agency for a period of 2
12 years following vacation of office; providing
13 exceptions; prohibiting the President of the Senate
14 and the Speaker of the House of Representatives from
15 associating as a partner, principal, or employee of a
16 firm whose primary purpose is lobbying the Legislature
17 within the first 2 years after vacation of office
18 under specified conditions; establishing filing
19 requirements for a sworn statement; creating s.
20 112.3142, F.S.; defining the term "constitutional
21 officers"; requiring constitutional officers to
22 complete annual ethics training; specifying
23 requirements for ethics training; requiring the
24 commission to adopt rules to establish minimum course
25 content; requiring each house of the Legislature to
26 provide for ethics training pursuant to its rules;
27 creating s. 112.31425, F.S.; providing legislative
28 findings; providing that holding an economic interest

HB 7131

2013

29 | in a qualified blind trust is not a prohibited
30 | conflict of interest; providing that a public officer
31 | may not attempt to influence, exercise control of, or
32 | obtain information regarding the holdings of the
33 | qualified blind trust; prohibiting communication
34 | regarding the qualified blind trust between a public
35 | officer or a person having a beneficial interest in
36 | the trust and the trustee; providing exceptions;
37 | requiring a public officer to report the qualified
38 | blind trust and its value on his or her financial
39 | disclosure form under specified circumstances;
40 | establishing requirements for creation of a qualified
41 | blind trust; requiring a public officer who holds a
42 | qualified blind trust to file a notice with the
43 | Commission on Ethics; requiring a covered public
44 | official to file an amendment to his or her most
45 | recent financial disclosure statement under specified
46 | conditions; amending s. 112.3143, F.S.; defining the
47 | term "principal"; requiring state public officers to
48 | abstain from voting on any matter that the officer
49 | knows would inure to his or her special private gain
50 | or loss; requiring that a memorandum filed after a
51 | vote be filed no later than 15 days after the vote;
52 | providing that a member of the Legislature satisfies
53 | the disclosure requirement by filing a form created
54 | pursuant to the rules of his or her respective house;
55 | providing that confidential or privileged information
56 | need not be disclosed; amending s. 112.3144, F.S.;

HB 7131

2013

57 | requiring the qualifying officer to electronically
58 | transmit a full and public disclosure of financial
59 | interests of a qualified candidate to the commission;
60 | providing timeframes for the filing of certain
61 | complaints; authorizing filing individuals to file an
62 | amended statement during a specified timeframe under
63 | specified conditions; authorizing the commission to
64 | immediately follow complaint procedures under
65 | specified conditions; prohibiting the commission from
66 | taking action on complaints alleging immaterial,
67 | inconsequential, or de minimis errors or omissions;
68 | providing what constitutes an immaterial,
69 | inconsequential, or de minimis error or omission;
70 | authorizing an individual required to file a
71 | disclosure to have the statement prepared by an
72 | attorney or a certified public accountant; requiring
73 | an attorney or certified public accountant to sign the
74 | completed disclosure form to indicate compliance with
75 | applicable requirements and that the disclosure is
76 | true and correct based on reasonable knowledge and
77 | belief; providing circumstances under which the
78 | commission must determine if an attorney or a
79 | certified public accountant failed to disclose
80 | information provided by the filing individual on the
81 | filed statement; providing that the failure of the
82 | attorney or certified public accountant to accurately
83 | transcribe information provided by the filing
84 | individual does not constitute a violation;

HB 7131

2013

85 | authorizing an elected officer or candidate to use
86 | funds in an office account or campaign depository to
87 | pay an attorney or certified public accountant for
88 | preparing a disclosure; creating s. 112.31445, F.S.;
89 | providing a definition for "electronic filing system";
90 | requiring all disclosures of financial interests filed
91 | with the commission to be scanned and made publicly
92 | available on a searchable Internet database beginning
93 | with the 2012 filing year; requiring the commission to
94 | submit a proposal to the President of the Senate and
95 | the Speaker of the House of Representatives for a
96 | mandatory electronic filing system by a specified
97 | date; establishing minimum requirements for the
98 | commission's proposal; amending s. 112.3145, F.S.;
99 | revising the definitions of "local officer" and
100 | "specified state employee"; revising procedures for
101 | the filing of a statement of financial interests with
102 | a candidate's qualifying papers; requiring a person
103 | filing a statement of financial interest to indicate
104 | the method of reporting income; providing timeframes
105 | for the filing of certain complaints; authorizing
106 | filing individuals to file an amended statement during
107 | a specified timeframe under specified conditions;
108 | authorizing the commission to immediately follow
109 | complaint procedures under specified conditions;
110 | prohibiting the commission from taking action on
111 | complaints alleging immaterial, inconsequential, or de
112 | minimis errors or omissions; providing what

HB 7131

2013

113 | constitutes an immaterial, inconsequential, or de
114 | minimis error or omission; authorizing an individual
115 | required to file a disclosure to have the statement
116 | prepared by an attorney or a certified public
117 | accountant; requiring an attorney or certified public
118 | accountant to sign the completed disclosure form to
119 | indicate compliance with applicable requirements and
120 | that the disclosure is true and correct based on
121 | reasonable knowledge and belief; providing
122 | circumstances under which the commission must
123 | determine if an attorney or a certified public
124 | accountant failed to disclose information provided by
125 | the filing individual on the filed statement;
126 | providing that the failure of the attorney or
127 | certified public accountant to accurately transcribe
128 | information provided by the filing individual does not
129 | constitute a violation; authorizing an elected officer
130 | or candidate to use funds in an office account or
131 | campaign depository to pay an attorney or certified
132 | public accountant for preparing a disclosure; creating
133 | s. 112.31455, F.S.; requiring the commission to
134 | attempt to determine whether an individual owing
135 | certain fines is a current public officer or public
136 | employee; authorizing the commission to notify the
137 | Chief Financial Officer or the governing body of a
138 | county, municipality, or special district of the total
139 | amount of any fine owed to the commission by such
140 | individuals; requiring that the Chief Financial

HB 7131

2013

141 Officer or the governing body of a county,
142 municipality, or special district begin withholding
143 portions of any salary payment that would otherwise be
144 paid to the current public officer or public employee;
145 requiring that the withheld payments be remitted to
146 the commission until the fine is satisfied;
147 authorizing the Chief Financial Officer or the
148 governing body to retain a portion of payment for
149 administrative costs; authorizing collection methods
150 for the commission or the Department of Financial
151 Services for individuals who are no longer public
152 officers or public employees; authorizing the
153 commission to contract with a collection agency;
154 authorizing a collection agency to utilize collection
155 methods authorized by law; authorizing the commission
156 to collect an unpaid fine within a specified period of
157 issuance of the final order; amending s. 112.3147,
158 F.S.; providing an exception to the requirement that
159 all forms be prescribed by the commission; amending s.
160 112.3148, F.S.; revising the definition of
161 "procurement employee"; creating a definition for
162 "vendor"; prohibiting a reporting individual or
163 procurement employee from soliciting or knowingly
164 accepting a gift from a vendor; deleting references to
165 committees of continuous existence; amending s.
166 112.3149, F.S.; revising the definition of
167 "procurement employee"; defining the term "vendor";
168 prohibiting a reporting individual or procurement

HB 7131

2013

169 employee from knowingly accepting an honorarium from a
170 vendor; prohibiting a vendor from giving an honorarium
171 to a reporting individual or procurement employee;
172 amending s. 112.317, F.S.; making technical changes;
173 amending s. 112.3215, F.S.; authorizing the commission
174 to investigate sworn complaints alleging a prohibited
175 expenditure; authorizing the commission to investigate
176 a lobbyist or principal upon a sworn complaint or
177 random audit; authorizing the Governor and Cabinet to
178 assess a fine on a lobbyist or principal under
179 specified conditions; providing a civil penalty;
180 amending s. 112.324, F.S.; authorizing specified
181 parties to submit written referrals of a possible
182 violation of the Code of Ethics for Public Officers
183 and Employees or other possible breaches of the public
184 trust to the Commission on Ethics; establishing
185 procedures for the receipt of written referrals by the
186 commission; extending the period in which the
187 disclosure of the intent to file or the filing of a
188 complaint against a candidate is prohibited; providing
189 exceptions; authorizing the commission to dismiss a
190 complaint of a de minimis violation; providing
191 exceptions; defining a de minimis violation;
192 reenacting s. 120.665, F.S., relating to
193 disqualification of agency personnel, to incorporate
194 the amendments to s. 112.3143, F.S., in a reference
195 thereto; reenacting s. 286.012, F.S., relating to
196 voting requirements at meetings of governmental

197 bodies, to incorporate the amendments made to s.
 198 112.3143, F.S., in a reference thereto; reenacting s.
 199 287.175, F.S., relating to penalties, to incorporate
 200 the amendments made to s. 112.324, F.S., in a
 201 reference thereto; amending s. 288.901, F.S.;
 202 conforming a cross-reference; amending s. 445.007,
 203 F.S., and reenacting subsection (1) of that section,
 204 relating to regional workforce boards, to incorporate
 205 the amendments made to s. 112.3143, F.S., in a
 206 reference thereto; conforming cross-references;
 207 reenacting s. 627.311(5)(m), F.S., relating to joint
 208 underwriters and joint reinsurers, to incorporate the
 209 amendments made to s. 112.3143, F.S., in a reference
 210 thereto; reenacting s. 627.351(6)(d), F.S., relating
 211 to Citizens Property Insurance Corporation, to
 212 incorporate the amendments made to s. 112.3143, F.S.;
 213 providing an effective date.

214
 215 Be It Enacted by the Legislature of the State of Florida:
 216

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

219 112.312 Definitions.—As used in this part and for purposes
 220 of the provisions of s. 8, Art. II of the State Constitution,
 221 unless the context otherwise requires:

222 (5) "Business entity" means any corporation, partnership,
 223 limited partnership, company, limited liability company,
 224 proprietorship, firm, enterprise, franchise, association, self-

HB 7131

2013

225 employed individual, or trust, whether fictitiously named or
226 not, doing business in this state.

227 Section 2. Section 112.3125, Florida Statutes, is created
228 to read:

229 112.3125 Dual public employment.—

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

234 (2) A public officer may not accept public employment with
235 the state or any of its political subdivisions if the public
236 officer knows, or with the exercise of reasonable care should
237 know, that the position is being offered by the employer for the
238 purpose of gaining influence or other advantage based on the
239 public officer's office or candidacy.

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

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

245 2. The position was publicly advertised;

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

248 4. The public officer meets or exceeds the required
249 qualifications for the position.

250 (4) A person who was employed by the state or any of its
251 political subdivisions before qualifying as a public officer for
252 his or her current term of office or the next available term of

253 | office may continue his or her employment. However, he or she
 254 | may not accept promotion, advancement, additional compensation,
 255 | or anything of value that he or she knows, or with the exercise
 256 | of reasonable care should know, is provided or given as a result
 257 | of his or her election or position, or that is otherwise
 258 | inconsistent with the promotion, advancement, additional
 259 | compensation, or anything of value provided or given an employee
 260 | who is similarly situated.

261 | (5) This section may not be interpreted as authorizing
 262 | employment that is otherwise prohibited by law.

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

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

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

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

274 | 2. As used in this paragraph:

275 | a. "Employee" means:

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

281 employed by the Department of the Lottery.

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

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

288 (IV) An executive director, staff director, or deputy
 289 staff director of each joint committee, standing committee, or
 290 select committee of the Legislature; an executive director,
 291 staff director, executive assistant, analyst, or attorney of the
 292 Office of the President of the Senate, the Office of the Speaker
 293 of the House of Representatives, the Senate Majority Party
 294 Office, Senate Minority Party Office, House Majority Party
 295 Office, or House Minority Party Office; or any person, hired on
 296 a contractual basis, having the power normally conferred upon
 297 such persons, by whatever title.

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

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

305 b. "Appointed state officer" means any member of an
 306 appointive board, commission, committee, council, or authority
 307 of the executive or legislative branch of state government whose
 308 powers, jurisdiction, and authority are not solely advisory and

HB 7131

2013

309 include the final determination or adjudication of any personal
310 or property rights, duties, or obligations, other than those
311 relative to its internal operations.

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

315 3.a. No member of the Legislature, appointed state officer,
316 or statewide elected officer shall personally represent another
317 person or entity for compensation before the government body or
318 agency of which the individual was an officer or member for a
319 period of 2 years following vacation of office. No member of the
320 Legislature shall personally represent another person or entity
321 for compensation during his or her term of office before any
322 state agency other than judicial tribunals or in settlement
323 negotiations after the filing of a lawsuit.

324 b. For a period of 2 years following vacation of office,
325 the President of the Senate and the Speaker of the House of
326 Representatives may not:

327 (I) Personally represent another person or entity for
328 compensation before any state agency other than judicial
329 tribunals or in settlement negotiations after the filing of a
330 lawsuit; or

331 (II) Associate as a partner, principal, employee of a
332 firm, or consultant for the purpose of drafting, strategizing,
333 consulting, advising or in any way working on matters that will
334 come before the Legislature or provide networking or
335 relationship-building services with sitting members of the
336 Legislature. For purposes of this prohibition, employment,

HB 7131

2013

337 partnership, or association with a principal, firm, or entity
338 whose primary purpose is legislative lobbying is presumptively
339 prohibited unless the principal, firm, entity, or former
340 presiding officer first receives an advisory opinion from the
341 commission finding that the proposed employment is in compliance
342 with this section. If the primary purpose of the employer,
343 association or partnership, principal, firm, or entity
344 affiliating with the former presiding officer is legislative
345 lobbying, such entity must file annually a sworn statement with
346 the Secretary of the Senate or the Clerk of the House of
347 Representatives affirming that the former presiding officer did
348 not engage in any of the prohibited activities.

349 4. An agency employee, including an agency employee who
350 was employed on July 1, 2001, in a Career Service System
351 position that was transferred to the Selected Exempt Service
352 System under chapter 2001-43, Laws of Florida, may not
353 personally represent another person or entity for compensation
354 before the agency with which he or she was employed for a period
355 of 2 years following vacation of position, unless employed by
356 another agency of state government.

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

361 6. This paragraph is not applicable to:

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

364 b. A person who was employed by the Legislature or other

HB 7131

2013

365 | agency on July 1, 1989, whether or not the person was a defined
 366 | employee on July 1, 1989;

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

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

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

376 | Section 4. Section 112.3142, Florida Statutes, is created
 377 | to read:

378 | 112.3142 Ethics training for specified constitutional
 379 | officers.-

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

387 | (2) (a) All constitutional officers must complete 4 hours
 388 | of ethics training annually that addresses, at a minimum, s. 8,
 389 | Art. II of the State Constitution, the Code of Ethics for Public
 390 | Officers and Employees, and the public records and public
 391 | meetings laws of this state. This requirement may be satisfied
 392 | by completion of a continuing legal education class or other

HB 7131

2013

393 continuing professional education class, seminar, or
394 presentation if the required subjects are covered.

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

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

401 Section 5. Section 112.31425, Florida Statutes, is created
402 to read:

403 112.31425 Qualified blind trusts.—

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

408 (2) If a public officer holds a beneficial interest in a
409 qualified blind trust as described in this section, he or she
410 does not have a conflict of interest prohibited under s.
411 112.313(3) or (7) or a voting conflict of interest under s.
412 112.3143 with regard to matters pertaining to that interest.

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

HB 7131

2013

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

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

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

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

438 (d) A direction to the trustee to sell all of an asset
439 initially placed in the trust by the public officer which, in
440 the determination of the public officer, creates a conflict of
441 interest or the appearance thereof due to the subsequent
442 assumption of duties by the public officer.

443 (5) The public officer shall report the beneficial
444 interest in the qualified blind trust and its value as an asset
445 on his or her financial disclosure form, if the value is
446 required to be disclosed. The public officer shall report the
447 blind trust as a primary source of income on his or her
448 financial disclosure forms and its amount, if the amount of

HB 7131

2013

449 income is required to be disclosed. The public officer is not
450 required to report as a secondary source of income any source of
451 income to the blind trust.

452 (6) In order to constitute a qualified blind trust, the
453 trust established by the public officer must meet the following
454 requirements:

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

456 1. The public officer's spouse, child, parent,
457 grandparent, grandchild, brother, sister, parent-in-law,
458 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
459 the spouse of any such person;

460 2. A person who is an elected or appointed public officer
461 or a public employee; or

462 3. A person who has been appointed to serve in an agency
463 by the public officer or by a public officer or public employee
464 supervised by the public officer.

465 (b) All assets in the trust must be readily marketable.

466 (c) The trust agreement that establishes the trust must:

467 1. Contain a complete list of assets placed in the trust.

468 2. Contain a statement that its purpose is to remove from
469 the grantor control and knowledge of investment of trust assets
470 so that conflicts between the grantor's responsibilities as a
471 public officer and his or her private interests are eliminated.

472 3. Give the trustee complete discretion to manage the
473 trust, including, but not limited to, the power to dispose of
474 and acquire trust assets without consulting or notifying the
475 covered public officer or the person having a beneficial
476 interest in the trust.

HB 7131

2013

477 4. Prohibit communication between the trustee and the
478 public officer, or the person who has a beneficial interest in
479 the trust, concerning the holdings or sources of income of the
480 trust, except amounts of cash value or net income or loss, if
481 such report does not identify any asset or holding, or except as
482 provided in this section.

483 5. Provide that the trust tax return is prepared by the
484 trustee or his or her designee and that any information relating
485 thereto is not disclosed to the public officer or to the person
486 who has a beneficial interest, except as provided in this
487 section.

488 6. Permit the trustee to notify the public officer of the
489 date of disposition and value at disposition of any original
490 investment or interest in real property to the extent required
491 by federal tax law so that the information can be reported on
492 the public officer's applicable tax returns.

493 7. Prohibit the trustee from disclosing to the public
494 officer or the person who has a beneficial interest any
495 information concerning replacement assets to the trust, except
496 for the minimum tax information that lists only the totals of
497 taxable items from the trust and does not describe the source of
498 individual items of income.

499 (d) Within 5 business days after the agreement is
500 executed, the public officer shall file with the commission a
501 copy of the trust agreement and a notice setting forth:

- 502 1. The date that the agreement is executed.
503 2. The name and address of the trustee.
504 3. The acknowledgement by the trustee that he or she has

HB 7131

2013

505 | agreed to serve as trustee.

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

519 | Section 6. Subsections (1) and (2) of section 112.3143,
520 | Florida Statutes, are amended, current subsection (5) of that
521 | section is renumbered as subsection (6), and a new subsection
522 | (5) is added to that section, to read:

523 | 112.3143 Voting conflicts.—

524 | (1) As used in this section:

525 | (a) "Principal" includes the parent organization or
526 | subsidiary of any business entity by which the public officer is
527 | retained.

528 | (b)-(a) "Public officer" includes any person elected or
529 | appointed to hold office in any agency, including any person
530 | serving on an advisory body.

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

HB 7131

2013

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

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

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

HB 7131

2013

561 (5) If disclosure of specific information would violate
562 confidentiality or privilege pursuant to law or rules governing
563 attorneys, a public officer, who is also an attorney, may comply
564 with the disclosure requirements of this section by disclosing
565 the nature of the interest in such a way as to provide the
566 public with notice of the conflict.

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

571 112.3144 Full and public disclosure of financial
572 interests.—

573 (2) A person who is required, pursuant to s. 8, Art. II of
574 the State Constitution, to file a full and public disclosure of
575 financial interests and who has filed a full and public
576 disclosure of financial interests for any calendar or fiscal
577 year shall not be required to file a statement of financial
578 interests pursuant to s. 112.3145(2) and (3) for the same year
579 or for any part thereof notwithstanding any requirement of this
580 part. When a candidate has qualified for office, the qualifying
581 officer shall forward an electronic copy of the full and public
582 disclosure of financial interests to the commission no later
583 than July 1. The electronic copy of the full and public
584 disclosure of financial interests satisfies the annual
585 disclosure requirement of this section. A candidate who does not
586 qualify until after the annual full and public disclosure has
587 been filed pursuant to this section, ~~except that a candidate for~~
588 ~~office~~ shall file a copy of his or her disclosure with the

HB 7131

2013

589 officer before whom he or she qualifies.

590 (7) (a) The commission shall treat an amended full and
591 public disclosure of financial interests that is filed prior to
592 September 1 of the current year as the original filing,
593 regardless of whether a complaint has been filed. If a complaint
594 pertaining to the current year alleges a failure to properly and
595 accurately disclose any information required by this section or
596 if a complaint filed pertaining to a previous reporting period
597 within the preceding 5 years alleges a failure to properly and
598 accurately disclose any information required to be disclosed by
599 this section, the commission may immediately follow complaint
600 procedures in s. 112.324. However, if a complaint filed after
601 August 25 alleges an immaterial, inconsequential, or de minimis
602 error or omission, the commission may not take any action on the
603 complaint, other than notifying the filer of the complaint. The
604 filer must be given 30 days to file an amended full and public
605 disclosure of financial interests correcting any errors. If the
606 filer does not file an amended full and public disclosure of
607 financial interests within 30 days after the commission sends
608 notice of the complaint, the commission may continue with
609 proceedings pursuant to s. 112.324.

610 (b) For purposes of the final full and public disclosure
611 of financial interests, the commission shall treat a new final
612 full and public disclosure of financial interests as the
613 original filing if filed within 60 days after the original
614 filing, regardless of whether a complaint has been filed. If,
615 more than 60 days after a final full and public disclosure of
616 financial interests is filed, a complaint is filed alleging a

HB 7131

2013

617 complete omission of any information required to be disclosed by
618 this section, the commission may immediately follow the
619 complaint procedures in s. 112.324. However, if the complaint
620 alleges an immaterial, inconsequential, or de minimis error or
621 omission, the commission may not take any action on the
622 complaint, other than notifying the filer of the complaint. The
623 filer must be given 30 days to file a new final full and public
624 disclosure of financial interests correcting any errors. If the
625 filer does not file a new final full and public disclosure of
626 financial interests within 30 days after the commission sends
627 notice of the complaint, the commission may continue with
628 proceedings pursuant to s. 112.324.

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

633 (8) (a) An individual required to file a disclosure
634 pursuant to this section may have the disclosure prepared by an
635 attorney in good standing with The Florida Bar or by a certified
636 public accountant licensed under chapter 473. After preparing a
637 disclosure form, the attorney or certified public accountant
638 must sign the form indicating that he or she prepared the form
639 in accordance with this section and the instructions for
640 completing and filing the disclosure forms and that, upon his or
641 her reasonable knowledge and belief, the disclosure is true and
642 correct. If a complaint is filed alleging a failure to disclose
643 information required by this section, the commission shall
644 determine whether the information was disclosed to the attorney

HB 7131

2013

645 or certified public accountant. The failure of the attorney or
646 certified public accountant to accurately transcribe information
647 provided by the individual required to file is not a violation
648 of this section.

649 (b) An elected officer or candidate who chooses to use an
650 attorney or a certified public accountant to prepare his or her
651 disclosure may pay for the services of the attorney or certified
652 public accountant from funds in an office account created
653 pursuant to s. 106.141 or, during a year that the individual
654 qualifies for election to public office, the candidate's
655 campaign depository pursuant to s. 106.021.

656 Section 8. Section 112.31445, Florida Statutes, is created
657 to read:

658 112.31445 Electronic filing system; full and public
659 disclosure of financial interests.-

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

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

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

HB 7131

2013

673 (a) Provide for access through the Internet.

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

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

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

682 (e) Provide a method for an attorney or certified public
683 accountant licensed in this state to sign the disclosure form to
684 indicate that he or she prepared the form in accordance with s.
685 112.3144 and the instructions for completing and filing the
686 disclosure form and that, upon his or her reasonable knowledge
687 and belief, the form is true and correct.

688 (f) Address whether additional statutory or rulemaking
689 authority is necessary for implementation of the system, and
690 must include, at a minimum, the following elements: alternate
691 filing procedures to be used in the event that the commission's
692 electronic filing system is inoperable, issuance of an
693 electronic receipt via electronic mail indicating and verifying
694 to the individual who submitted the full and public disclosure
695 of financial interests form that the form has been filed, and a
696 determination of the feasibility and necessity of including
697 statements of financial interests filed pursuant to s. 112.3145
698 in the proposed system.

699 Section 9. Paragraphs (a) and (b) of subsection (1),
700 paragraph (a) of subsection (2), and subsection (3) of section

701 112.3145, Florida Statutes, are amended, present subsection (9)
 702 of that section is renumbered as subsection (11), and new
 703 subsections (9) and (10) are added to that section, to read:

704 112.3145 Disclosure of financial interests and clients
 705 represented before agencies.—

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

708 (a) "Local officer" means:

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

712 2. Any appointed member of any of the following boards,
 713 councils, commissions, authorities, or other bodies of any
 714 county, municipality, school district, independent special
 715 district, or other political subdivision of the state:

716 a. The governing body of the political subdivision, if
 717 appointed;

718 ~~b. An expressway authority or transportation authority~~
 719 ~~established by general law;~~

720 b.e. A community college or junior college district board
 721 of trustees;

722 c.d. A board having the power to enforce local code
 723 provisions;

724 d.e. A planning or zoning board, board of adjustment,
 725 board of appeals, community redevelopment agency board, or other
 726 board having the power to recommend, create, or modify land
 727 planning or zoning within the political subdivision, except for
 728 citizen advisory committees, technical coordinating committees,

729 and such other groups who only have the power to make
 730 recommendations to planning or zoning boards;

731 ~~e.f.~~ A pension board or retirement board having the power
 732 to invest pension or retirement funds or the power to make a
 733 binding determination of one's entitlement to or amount of a
 734 pension or other retirement benefit; or

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

739 3. Any person holding one or more of the following
 740 positions: mayor; county or city manager; chief administrative
 741 employee of a county, municipality, or other political
 742 subdivision; county or municipal attorney; finance director of a
 743 county, municipality, or other political subdivision; chief
 744 county or municipal building code inspector; county or municipal
 745 water resources coordinator; county or municipal pollution
 746 control director; county or municipal environmental control
 747 director; county or municipal administrator, with power to grant
 748 or deny a land development permit; chief of police; fire chief;
 749 municipal clerk; district school superintendent; community
 750 college president; district medical examiner; or purchasing
 751 agent having the authority to make any purchase exceeding the
 752 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 753 behalf of any political subdivision of the state or any entity
 754 thereof.

755 (b) "Specified state employee" means:

756 1. Public counsel created by chapter 350, an assistant

HB 7131

2013

757 state attorney, an assistant public defender, a criminal
758 conflict and civil regional counsel, an assistant criminal
759 conflict and civil regional counsel, a full-time state employee
760 who serves as counsel or assistant counsel to any state agency,
761 the Deputy Chief Judge of Compensation Claims, a judge of
762 compensation claims, an administrative law judge, or a hearing
763 officer.

764 2. Any person employed in the office of the Governor or in
765 the office of any member of the Cabinet if that person is exempt
766 from the Career Service System, except persons employed in
767 clerical, secretarial, or similar positions.

768 3. The State Surgeon General or each appointed secretary,
769 assistant secretary, deputy secretary, executive director,
770 assistant executive director, or deputy executive director of
771 each state department, commission, board, or council; unless
772 otherwise provided, the division director, assistant division
773 director, deputy director, bureau chief, and assistant bureau
774 chief of any state department or division; or any person having
775 the power normally conferred upon such persons, by whatever
776 title.

777 4. The superintendent or institute director of a state
778 mental health institute established for training and research in
779 the mental health field or the warden or director of any major
780 state institution or facility established for corrections,
781 training, treatment, or rehabilitation.

782 5. Business managers, purchasing agents having the power
783 to make any purchase exceeding the threshold amount provided for
784 in s. 287.017 for CATEGORY ONE, finance and accounting

HB 7131

2013

785 | directors, personnel officers, or grants coordinators for any
786 | state agency.

787 | 6. Any person, other than a legislative assistant exempted
788 | by the presiding officer of the house by which the legislative
789 | assistant is employed, who is employed in the legislative branch
790 | of government, except persons employed in maintenance, clerical,
791 | secretarial, or similar positions.

792 | 7. Each employee of the Commission on Ethics.

793 | (2) (a) A person seeking nomination or election to a state
794 | or local elective office shall file a statement of financial
795 | interests together with, and at the same time he or she files,
796 | qualifying papers. When a candidate has qualified for office
797 | prior to the deadline to file an annual statement of financial
798 | interests, the statement of financial interests that is filed
799 | with the candidate's qualifying papers shall be deemed to
800 | satisfy the annual disclosure requirement of this section. The
801 | qualifying officer must record that the statement of financial
802 | interests was timely filed. However, if a candidate does not
803 | qualify until after the annual statement of financial interests
804 | has been filed, the candidate may file a copy of his or her
805 | statement with the qualifying officer.

806 | (3) The statement of financial interests for state
807 | officers, specified state employees, local officers, and persons
808 | seeking to qualify as candidates for state or local office shall
809 | be filed even if the reporting person holds no financial
810 | interests requiring disclosure, in which case the statement
811 | shall be marked "not applicable." Otherwise, the statement of
812 | financial interests shall include, at the filer's option,

HB 7131

2013

813 | either:

814 | (a)1. All sources of income in excess of 5 percent of the
 815 | gross income received during the disclosure period by the person
 816 | in his or her own name or by any other person for his or her use
 817 | or benefit, excluding public salary. However, this shall not be
 818 | construed to require disclosure of a business partner's sources
 819 | of income. The person reporting shall list such sources in
 820 | descending order of value with the largest source first;

821 | 2. All sources of income to a business entity in excess of
 822 | 10 percent of the gross income of a business entity in which the
 823 | reporting person held a material interest and from which he or
 824 | she received an amount which was in excess of 10 percent of his
 825 | or her gross income during the disclosure period and which
 826 | exceeds \$1,500. The period for computing the gross income of the
 827 | business entity is the fiscal year of the business entity which
 828 | ended on, or immediately prior to, the end of the disclosure
 829 | period of the person reporting;

830 | 3. The location or description of real property in this
 831 | state, except for residences and vacation homes, owned directly
 832 | or indirectly by the person reporting, when such person owns in
 833 | excess of 5 percent of the value of such real property, and a
 834 | general description of any intangible personal property worth in
 835 | excess of 10 percent of such person's total assets. For the
 836 | purposes of this paragraph, indirect ownership does not include
 837 | ownership by a spouse or minor child; and

838 | 4. Every individual liability that equals more than the
 839 | reporting person's net worth; or

840 | (b)1. All sources of gross income in excess of \$2,500

HB 7131

2013

841 received during the disclosure period by the person in his or
842 her own name or by any other person for his or her use or
843 benefit, excluding public salary. However, this shall not be
844 construed to require disclosure of a business partner's sources
845 of income. The person reporting shall list such sources in
846 descending order of value with the largest source first;

847 2. All sources of income to a business entity in excess of
848 10 percent of the gross income of a business entity in which the
849 reporting person held a material interest and from which he or
850 she received gross income exceeding \$5,000 during the disclosure
851 period. The period for computing the gross income of the
852 business entity is the fiscal year of the business entity which
853 ended on, or immediately prior to, the end of the disclosure
854 period of the person reporting;

855 3. The location or description of real property in this
856 state, except for residence and vacation homes, owned directly
857 or indirectly by the person reporting, when such person owns in
858 excess of 5 percent of the value of such real property, and a
859 general description of any intangible personal property worth in
860 excess of \$10,000. For the purpose of this paragraph, indirect
861 ownership does not include ownership by a spouse or minor child;
862 and

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

864
865 A person filing a statement of financial interests shall
866 indicate on the statement whether he or she is using the method
867 specified in paragraph (a) or paragraph (b) of this subsection.

868 (9) (a) The commission shall treat an amended statement of

HB 7131

2013

869 financial interests that is filed prior to September 1 of the
870 current year as the original filing, regardless of whether a
871 complaint has been filed. If a complaint pertaining to the
872 current year alleges a failure to properly and accurately
873 disclose any information required by this section or if a
874 complaint filed pertaining to a previous reporting period within
875 the preceding 5 years alleges a failure to properly and
876 accurately disclose any information required to be disclosed by
877 this section, the commission may immediately follow complaint
878 procedures in s. 112.324. However, if a complaint filed after
879 August 25 alleges an immaterial, inconsequential, or de minimis
880 error or omission, the commission may not take any action on the
881 complaint, other than notifying the filer of the complaint. The
882 filer must be given 30 days to file an amended statement of
883 financial interests correcting any errors. If the filer does not
884 file an amended statement of financial interests within 30 days
885 after the commission sends notice of the complaint, the
886 commission may continue with proceedings pursuant to s. 112.324.

887 (b) For purposes of the final statement of financial
888 interests, the commission shall treat a new final statement of
889 financial interests, as the original filing, if filed within 60
890 days of the original filing regardless of whether a complaint
891 has been filed. If, more than 60 days after a final statement of
892 financial interests is filed, a complaint is filed alleging a
893 complete omission of any information required to be disclosed by
894 this section, the commission may immediately follow the
895 complaint procedures in s. 112.324. However, if the complaint
896 alleges an immaterial, inconsequential, or de minimis error or

HB 7131

2013

897 omission, the commission may not take any action on the
898 complaint other than notifying the filer of the complaint. The
899 filer must be given 30 days to file a new final statement of
900 financial interests correcting any errors. If the filer does not
901 file a new final statement of financial interests within 30 days
902 after the commission sends notice of the complaint, the
903 commission may continue with proceedings pursuant to s. 112.324.

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

908 (10) (a) An individual required to file a disclosure
909 pursuant to this section may have the disclosure prepared by an
910 attorney in good standing with The Florida Bar or by a certified
911 public accountant licensed under chapter 473. After preparing a
912 disclosure form, the attorney or certified public accountant
913 must sign the form indicating that he or she prepared the form
914 in accordance with this section and the instructions for
915 completing and filing the disclosure forms and that, upon his or
916 her reasonable knowledge and belief, the disclosure is true and
917 correct. If a complaint is filed alleging a failure to disclose
918 information required by this section, the commission shall
919 determine whether the information was disclosed to the attorney
920 or certified public accountant. The failure of the attorney or
921 certified public accountant to accurately transcribe information
922 provided by the individual who is required to file the
923 disclosure does not constitute a violation of this section.

924 (b) An elected officer or candidate who chooses to use an

HB 7131

2013

925 attorney or a certified public accountant to prepare his or her
926 disclosure may pay for the services of the attorney or certified
927 public accountant from funds in an office account created
928 pursuant to s. 106.141 or, during a year that the individual
929 qualifies for election to public office, the candidate's
930 campaign depository pursuant to s. 106.021.

931 Section 10. Section 112.31455, Florida Statutes, is
932 created to read:

933 112.31455 Collection methods for unpaid automatic fines
934 for failure to timely file disclosure of financial interests.-

935 (1) Before referring any unpaid fine accrued pursuant to
936 s. 112.3144(5) or s. 112.3145(6) to the Department of Financial
937 Services, the commission shall attempt to determine whether the
938 individual owing such a fine is a current public officer or
939 current public employee. If so, the commission may notify the
940 Chief Financial Officer or the governing body of the appropriate
941 county, municipality, or special district of the total amount of
942 any fine owed to the commission by such individual.

943 (a) After receipt and verification of the notice from the
944 commission, the Chief Financial Officer or the governing body of
945 the county, municipality, or special district shall begin
946 withholding the lesser of 10 percent or the maximum amount
947 allowed under federal law from any salary-related payment. The
948 withheld payments shall be remitted to the commission until the
949 fine is satisfied.

950 (b) The Chief Financial Officer or the governing body of
951 the county, municipality, or special district may retain an
952 amount of each withheld payment, as provided in s. 77.0305, to

HB 7131

2013

953 | cover the administrative costs incurred under this section.

954 | (2) If the commission determines that the individual who
955 | is the subject of an unpaid fine accrued pursuant to s.
956 | 112.3144(5) or s. 112.3145(6) is no longer a public officer or
957 | public employee or if the commission is unable to determine
958 | whether the individual is a current public officer or public
959 | employee, the commission may, 6 months after the order becomes
960 | final, seek garnishment of any wages to satisfy the amount of
961 | the fine, or any unpaid portion thereof, pursuant to chapter 77.
962 | Upon recording the order imposing the fine with the clerk of the
963 | circuit court, the order shall be deemed a judgment for purposes
964 | of garnishment pursuant to chapter 77.

965 | (3) The commission may refer unpaid fines to the
966 | appropriate collection agency, as directed by the Chief
967 | Financial Officer, to utilize any collection methods provided by
968 | law. Except as expressly limited by this section, any other
969 | collection methods authorized by law are allowed.

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

973 | Section 11. Section 112.3147, Florida Statutes, is amended
974 | to read:

975 | 112.3147 Forms.—Except as otherwise provided, all
976 | information required to be furnished by ss. 112.313, 112.3143,
977 | 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
978 | of the State Constitution shall be on forms prescribed by the
979 | Commission on Ethics.

980 | Section 12. Paragraph (e) of subsection (2) of section

HB 7131

2013

981 112.3148, Florida Statutes, is amended and paragraph (f) is
 982 added to that subsection, and subsections (3) through (5) of
 983 that section are amended, to read:

984 112.3148 Reporting and prohibited receipt of gifts by
 985 individuals filing full or limited public disclosure of
 986 financial interests and by procurement employees.—

987 (2) As used in this section:

988 (e) "Procurement employee" means any employee of an
 989 officer, department, board, commission, ~~or~~ council, or agency of
 990 the executive branch or judicial branch of state government who
 991 has participated in the preceding 12 months ~~participates~~ through
 992 decision, approval, disapproval, recommendation, preparation of
 993 any part of a purchase request, influencing the content of any
 994 specification or procurement standard, rendering of advice,
 995 investigation, or auditing or in any other advisory capacity in
 996 the procurement of contractual services or commodities as
 997 defined in s. 287.012, if the cost of such services or
 998 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 999 any fiscal year.

1000 (f) "Vendor" means a business entity doing business
 1001 directly with an agency, such as renting, leasing, or selling
 1002 any realty, goods, or services.

1003 (3) A reporting individual or procurement employee is
 1004 prohibited from soliciting any gift from a vendor doing business
 1005 with the reporting individual's or procurement employee's
 1006 agency, a political committee ~~or committee of continuous~~
 1007 ~~existence,~~ as defined in s. 106.011, or ~~from~~ a lobbyist who
 1008 lobbies the reporting individual's or procurement employee's

HB 7131

2013

1009 agency, or the partner, firm, employer, or principal of such
1010 lobbyist, where such gift is for the personal benefit of the
1011 reporting individual or procurement employee, another reporting
1012 individual or procurement employee, or any member of the
1013 immediate family of a reporting individual or procurement
1014 employee.

1015 (4) A reporting individual or procurement employee or any
1016 other person on his or her behalf is prohibited from knowingly
1017 accepting, directly or indirectly, a gift from a vendor doing
1018 business with the reporting individual's or procurement
1019 employee's agency, a political committee ~~or committee of~~
1020 ~~continuous existence~~, as defined in s. 106.011, or ~~from~~ a
1021 lobbyist who lobbies the reporting individual's or procurement
1022 employee's agency, or directly or indirectly on behalf of the
1023 partner, firm, employer, or principal of a lobbyist, if he or
1024 she knows or reasonably believes that the gift has a value in
1025 excess of \$100; however, such a gift may be accepted by such
1026 person on behalf of a governmental entity or a charitable
1027 organization. If the gift is accepted on behalf of a
1028 governmental entity or charitable organization, the person
1029 receiving the gift shall not maintain custody of the gift for
1030 any period of time beyond that reasonably necessary to arrange
1031 for the transfer of custody and ownership of the gift.

1032 (5) (a) A vendor doing business with the reporting
1033 individual's or procurement employee's agency; a political
1034 committee ~~or a committee of continuous existence~~, as defined in
1035 s. 106.011; a lobbyist who lobbies a reporting individual's or
1036 procurement employee's agency; the partner, firm, employer, or

HB 7131

2013

1037 principal of a lobbyist; or another on behalf of the lobbyist or
1038 partner, firm, principal, or employer of the lobbyist is
1039 prohibited from giving, either directly or indirectly, a gift
1040 that has a value in excess of \$100 to the reporting individual
1041 or procurement employee or any other person on his or her
1042 behalf; however, such person may give a gift having a value in
1043 excess of \$100 to a reporting individual or procurement employee
1044 if the gift is intended to be transferred to a governmental
1045 entity or a charitable organization.

1046 (b) However, a person who is regulated by this subsection,
1047 who is not regulated by subsection (6), and who makes, or
1048 directs another to make, an individual gift having a value in
1049 excess of \$25, but not in excess of \$100, other than a gift that
1050 the donor knows will be accepted on behalf of a governmental
1051 entity or charitable organization, must file a report on the
1052 last day of each calendar quarter for the previous calendar
1053 quarter in which a reportable gift is made. The report shall be
1054 filed with the Commission on Ethics, except with respect to
1055 gifts to reporting individuals of the legislative branch, in
1056 which case the report shall be filed with the Office of
1057 Legislative Services. The report must contain a description of
1058 each gift, the monetary value thereof, the name and address of
1059 the person making such gift, the name and address of the
1060 recipient of the gift, and the date such gift is given. In
1061 addition, if a gift is made which requires the filing of a
1062 report under this subsection, the donor must notify the intended
1063 recipient at the time the gift is made that the donor, or
1064 another on his or her behalf, will report the gift under this

HB 7131

2013

1065 subsection. Under this paragraph, a gift need not be reported by
1066 more than one person or entity.

1067 Section 13. Paragraph (e) of subsection (1) of section
1068 112.3149, Florida Statutes, is amended, and paragraph (f) is
1069 added to that subsection, and subsections (3) and (4) of that
1070 section are amended, to read:

1071 112.3149 Solicitation and disclosure of honoraria.—

1072 (1) As used in this section:

1073 (e) "Procurement employee" means any employee of an
1074 officer, department, board, commission, ~~or~~ council, or agency of
1075 the executive branch or judicial branch of state government who
1076 has participated in the preceding 12 months ~~participates~~ through
1077 decision, approval, disapproval, recommendation, preparation of
1078 any part of a purchase request, influencing the content of any
1079 specification or procurement standard, rendering of advice,
1080 investigation, or auditing or in any other advisory capacity in
1081 the procurement of contractual services or commodities as
1082 defined in s. 287.012, if the cost of such services or
1083 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1084 (f) "Vendor" means a business entity doing business
1085 directly with an agency, such as renting, leasing, or selling
1086 any realty, goods, or services.

1087 (3) A reporting individual or procurement employee is
1088 prohibited from knowingly accepting an honorarium from a
1089 political committee ~~or committee of continuous existence~~, as
1090 defined in s. 106.011, from a vendor doing business with the
1091 reporting individual's or procurement employee's agency, from a
1092 lobbyist who lobbies the reporting individual's or procurement

HB 7131

2013

1093 | employee's agency, or from the employer, principal, partner, or
 1094 | firm of such a lobbyist.

1095 | (4) A political committee ~~or committee of continuous~~
 1096 | ~~existence~~, as defined in s. 106.011, a vendor doing business
 1097 | with the reporting individual's or procurement employee's
 1098 | agency, a lobbyist who lobbies a reporting individual's or
 1099 | procurement employee's agency, or the employer, principal,
 1100 | partner, or firm of such a lobbyist is prohibited from giving an
 1101 | honorarium to a reporting individual or procurement employee.

1102 | Section 14. Section 112.317, Florida Statutes, is amended
 1103 | to read:

1104 | 112.317 Penalties.—

1105 | (1) Any violation of ~~any provision of~~ this part,
 1106 | including, but not limited to, ~~any~~ failure to file ~~any~~
 1107 | disclosures required by this part or violation of any standard
 1108 | of conduct imposed by this part, or any violation of ~~any~~
 1109 | ~~provision of~~ s. 8, Art. II of the State Constitution, in
 1110 | addition to any criminal penalty or other civil penalty
 1111 | involved, ~~shall~~, under applicable constitutional and statutory
 1112 | procedures, constitutes ~~constitute~~ grounds for, and may be
 1113 | punished by, one or more of the following:

1114 | (a) In the case of a public officer:

- 1115 | 1. Impeachment.
- 1116 | 2. Removal from office.
- 1117 | 3. Suspension from office.
- 1118 | 4. Public censure and reprimand.
- 1119 | 5. Forfeiture of no more than one-third of his or her
 1120 | salary per month for no more than 12 months.

HB 7131

2013

- 1121 6. A civil penalty not to exceed \$10,000.
- 1122 7. Restitution of any pecuniary benefits received because
 1123 of the violation committed. The commission may recommend that
 1124 the restitution penalty be paid to the agency of which the
 1125 public officer was a member or to the General Revenue Fund.
- 1126 (b) In the case of an employee or a person designated as a
 1127 public officer by this part who otherwise would be deemed to be
 1128 an employee:
- 1129 1. Dismissal from employment.
- 1130 2. Suspension from employment for not more than 90 days
 1131 without pay.
- 1132 3. Demotion.
- 1133 4. Reduction in his or her salary level.
- 1134 5. Forfeiture of no more than one-third salary per month
 1135 for no more than 12 months.
- 1136 6. A civil penalty not to exceed \$10,000.
- 1137 7. Restitution of any pecuniary benefits received because
 1138 of the violation committed. The commission may recommend that
 1139 the restitution penalty be paid to the agency by which the
 1140 public employee was employed, or of which the officer was deemed
 1141 to be an employee, or to the General Revenue Fund.
- 1142 8. Public censure and reprimand.
- 1143 (c) In the case of a candidate who violates ~~the provisions~~
 1144 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
 1145 Constitution:
- 1146 1. Disqualification from being on the ballot.
- 1147 2. Public censure.
- 1148 3. Reprimand.

HB 7131

2013

1149 4. A civil penalty not to exceed \$10,000.

1150 (d) In the case of a former public officer or employee who
 1151 has violated a provision applicable to former officers or
 1152 employees or whose violation occurred before the officer's or
 1153 employee's leaving public office or employment:

1154 1. Public censure and reprimand.

1155 2. A civil penalty not to exceed \$10,000.

1156 3. Restitution of any pecuniary benefits received because
 1157 of the violation committed. The commission may recommend that
 1158 the restitution penalty be paid to the agency of the public
 1159 officer or employee or to the General Revenue Fund.

1160 (e) In the case of a person who is subject to the
 1161 standards of this part, other than a lobbyist or lobbying firm
 1162 under s. 112.3215 for a violation of s. 112.3215, but who is not
 1163 a public officer or employee:

1164 1. Public censure and reprimand.

1165 2. A civil penalty not to exceed \$10,000.

1166 3. Restitution of any pecuniary benefits received because
 1167 of the violation committed. The commission may recommend that
 1168 the restitution penalty be paid to the agency of the person or
 1169 to the General Revenue Fund.

1170 (2) In any case in which the commission finds a violation
 1171 of this part or of s. 8, Art. II of the State Constitution and
 1172 the proper disciplinary official or body under s. 112.324
 1173 imposes a civil penalty or restitution penalty, the Attorney
 1174 General shall bring a civil action to recover such penalty. No
 1175 defense may be raised in the civil action to enforce the civil
 1176 penalty or order of restitution that could have been raised by

HB 7131

2013

1177 | judicial review of the administrative findings and
 1178 | recommendations of the commission by certiorari to the district
 1179 | court of appeal. The Attorney General shall collect any costs,
 1180 | attorney's fees, expert witness fees, or other costs of
 1181 | collection incurred in bringing the action.

1182 | (3) The penalties prescribed in this part shall not be
 1183 | construed to limit or to conflict with:

1184 | (a) The power of either house of the Legislature to
 1185 | discipline its own members or impeach a public officer.

1186 | (b) The power of agencies to discipline officers or
 1187 | employees.

1188 | (4) Any violation of this part or of s. 8, Art. II of the
 1189 | State Constitution by a public officer constitutes ~~shall~~
 1190 | ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
 1191 | office within the meaning of s. 7, Art. IV of the State
 1192 | Constitution.

1193 | (5) By order of the Governor, upon recommendation of the
 1194 | commission, any elected municipal officer who violates ~~any~~
 1195 | ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
 1196 | Constitution may be suspended from office and the office filled
 1197 | by appointment for the period of suspension. The suspended
 1198 | officer may at any time before removal be reinstated by the
 1199 | Governor. The Senate may, in proceedings prescribed by law,
 1200 | remove from office, or reinstate, the suspended official, and
 1201 | for such purpose the Senate may be convened in special session
 1202 | by its President or by a majority of its membership.

1203 | (6) In any case in which the commission finds probable
 1204 | cause to believe that a complainant has committed perjury in

HB 7131

2013

1205 regard to any document filed with, or any testimony given
1206 before, the commission, it shall refer such evidence to the
1207 appropriate law enforcement agency for prosecution and taxation
1208 of costs.

1209 (7) In any case in which the commission determines that a
1210 person has filed a complaint against a public officer or
1211 employee with a malicious intent to injure the reputation of
1212 such officer or employee by filing the complaint with knowledge
1213 that the complaint contains one or more false allegations or
1214 with reckless disregard for whether the complaint contains false
1215 allegations of fact material to a violation of this part, the
1216 complainant shall be liable for costs plus reasonable attorney
1217 ~~attorney's~~ fees incurred in the defense of the person complained
1218 against, including the costs and reasonable attorney ~~attorney's~~
1219 fees incurred in proving entitlement to and the amount of costs
1220 and fees. If the complainant fails to pay such costs and fees
1221 voluntarily within 30 days following such finding by the
1222 commission, the commission shall forward such information to the
1223 Department of Legal Affairs, which shall bring a civil action in
1224 a court of competent jurisdiction to recover the amount of such
1225 costs and fees awarded by the commission.

1226 Section 15. Paragraphs (a) and (c) of subsection (8) and
1227 subsection (10) of section 112.3215, Florida Statutes, are
1228 amended, present subsections (11) through (14) are renumbered as
1229 (12) through (15), respectively, and a new subsection (11) is
1230 added to that section to read:

1231 112.3215 Lobbying before the executive branch or the
1232 Constitution Revision Commission; registration and reporting;

HB 7131

2013

1233 investigation by commission.—

1234 (8) (a) The commission shall investigate every sworn
1235 complaint that is filed with it alleging that a person covered
1236 by this section has failed to register, has failed to submit a
1237 compensation report, has made a prohibited expenditure, or has
1238 knowingly submitted false information in any report or
1239 registration required in this section.

1240 (c) The commission shall investigate any lobbying firm,
1241 lobbyist, principal, agency, officer, or employee upon receipt
1242 of information from a sworn complaint or from a random audit of
1243 lobbying reports indicating a possible violation other than a
1244 late-filed report.

1245 (10) If the Governor and Cabinet finds that a violation
1246 occurred, it may reprimand the violator, censure the violator,
1247 or prohibit the violator from lobbying all agencies for a period
1248 not to exceed 2 years. If the violator is a lobbying firm,
1249 lobbyist, or principal, the Governor and Cabinet may also assess
1250 a fine of not more than \$5,000 to be deposited in the Executive
1251 Branch Lobby Registration Trust Fund.

1252 (11) Any person who is required to be registered or to
1253 provide information under this section or under rules adopted
1254 pursuant to this section and who knowingly fails to disclose any
1255 material fact that is required by this section or by rules
1256 adopted pursuant to this section, or who knowingly provides
1257 false information on any report required by this section or by
1258 rules adopted pursuant to this section, commits a noncriminal
1259 infraction, punishable by a fine not to exceed \$5,000. Such
1260 penalty is in addition to any other penalty assessed by the

1261 Governor and Cabinet pursuant to subsection (10).

1262 Section 16. Section 112.324, Florida Statutes, is amended
 1263 to read:

1264 112.324 Procedures on complaints of violations and
 1265 referrals; public records and meeting exemptions.—

1266 (1) ~~Upon a written complaint executed on a form prescribed~~
 1267 ~~by the commission and signed under oath or affirmation by any~~
 1268 ~~person,~~ The commission shall investigate an ~~any~~ alleged
 1269 violation of this part or ~~any~~ other alleged breach of the public
 1270 trust within the jurisdiction of the commission as provided in
 1271 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
 1272 ~~procedures set forth herein.~~

1273 (a) Upon a written complaint executed on a form prescribed
 1274 by the commission and signed under oath of affirmation by any
 1275 person; or

1276 (b) Upon receipt of a written referral of a possible
 1277 violation of this part or other possible breach of the public
 1278 trust from the Governor, the Department of Law Enforcement, a
 1279 state attorney, or a United States Attorney which at least six
 1280 members of the commission determine is sufficient to indicate a
 1281 violation of this part or any other breach of the public trust.

1282
 1283 Within 5 days after receipt of a complaint by the commission or
 1284 a determination by at least six members of the commission that
 1285 the referral received is deemed sufficient, a copy shall be
 1286 transmitted to the alleged violator.

1287 (2) (a) The complaint and records relating to the complaint
 1288 or to any preliminary investigation held by the commission or

HB 7131

2013

1289 its agents, by a Commission on Ethics and Public Trust
1290 established by any county defined in s. 125.011(1) or by any
1291 municipality defined in s. 165.031, or by any county or
1292 municipality that has established a local investigatory process
1293 to enforce more stringent standards of conduct and disclosure
1294 requirements as provided in s. 112.326 are confidential and
1295 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1296 of the State Constitution.

1297 (b) Any proceeding conducted by the commission, a
1298 Commission on Ethics and Public Trust, or a county or
1299 municipality that has established such local investigatory
1300 process, pursuant to a complaint or preliminary investigation,
1301 is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
1302 the State Constitution, and s. 120.525.

1303 (c) The exemptions in paragraphs (a) and (b) apply until
1304 the complaint is dismissed as legally insufficient, until the
1305 alleged violator requests in writing that such records and
1306 proceedings be made public, or until the commission, a
1307 Commission on Ethics and Public Trust, or a county or
1308 municipality that has established such local investigatory
1309 process determines, based on such investigation, whether
1310 probable cause exists to believe that a violation has occurred.
1311 ~~In no event shall~~ A complaint or referral under this part
1312 against a candidate in any general, special, or primary election
1313 may not be filed nor may ~~or~~ any intention of filing such a
1314 complaint or referral be disclosed on the day of any such
1315 election or within the 30 ~~5~~ days immediately preceding the date
1316 of the election, unless the complaint or referral is based upon

HB 7131

2013

1317 | personal information or information other than hearsay.

1318 | (d) This subsection is subject to the Open Government
1319 | Sunset Review Act in accordance with s. 119.15 and shall stand
1320 | repealed on October 2, 2015, unless reviewed and saved from
1321 | repeal through reenactment by the Legislature.

1322 | (3) A preliminary investigation shall be undertaken by the
1323 | commission of each legally sufficient complaint or referral over
1324 | which the commission has jurisdiction to determine whether there
1325 | is probable cause to believe that a violation has occurred. If,
1326 | upon completion of the preliminary investigation, the commission
1327 | finds no probable cause to believe that this part has been
1328 | violated or that any other breach of the public trust has been
1329 | committed, the commission shall dismiss the complaint or
1330 | referral with the issuance of a public report to the complainant
1331 | and the alleged violator, stating with particularity its reasons
1332 | for dismissal ~~of the complaint~~. At that time, the complaint or
1333 | referral and all materials relating to the complaint or referral
1334 | shall become a matter of public record. If the commission finds
1335 | from the preliminary investigation probable cause to believe
1336 | that this part has been violated or that any other breach of the
1337 | public trust has been committed, it shall so notify the
1338 | complainant and the alleged violator in writing. Such
1339 | notification and all documents made or received in the
1340 | disposition of the complaint or referral shall then become
1341 | public records. Upon request submitted to the commission in
1342 | writing, any person who the commission finds probable cause to
1343 | believe has violated any provision of this part or has committed
1344 | any other breach of the public trust shall be entitled to a

HB 7131

2013

1345 public hearing. Such person shall be deemed to have waived the
1346 right to a public hearing if the request is not received within
1347 14 days following the mailing of the probable cause notification
1348 required by this subsection. However, the commission may on its
1349 own motion, require a public hearing, may conduct such further
1350 investigation as it deems necessary, and may enter into such
1351 stipulations and settlements as it finds to be just and in the
1352 best interest of the state. The commission is without
1353 jurisdiction to, and no respondent may voluntarily or
1354 involuntarily, enter into a stipulation or settlement which
1355 imposes any penalty, including, but not limited to, a sanction
1356 or admonition or any other penalty contained in s. 112.317.
1357 Penalties shall be imposed only by the appropriate disciplinary
1358 authority as designated in this section.

1359 (4) If, in cases pertaining to members of the Legislature,
1360 upon completion of a full and final investigation by the
1361 commission, the commission finds that there has been a violation
1362 of this part or of any provision of s. 8, Art. II of the State
1363 Constitution, the commission shall forward a copy of the
1364 complaint or referral and its findings by certified mail to the
1365 President of the Senate or the Speaker of the House of
1366 Representatives, whichever is applicable, who shall refer the
1367 complaint or referral to the appropriate committee for
1368 investigation and action which shall be governed by the rules of
1369 its respective house. It is ~~shall be~~ the duty of the committee
1370 to report its final action upon the matter ~~complaint~~ to the
1371 commission within 90 days of the date of transmittal to the
1372 respective house. Upon request of the committee, the commission

HB 7131

2013

1373 shall submit a recommendation as to what penalty, if any, should
 1374 be imposed. In the case of a member of the Legislature, the
 1375 house in which the member serves has ~~shall have~~ the power to
 1376 invoke the penalty provisions of this part.

1377 (5) If, in cases ~~pertaining to complaints~~ against
 1378 impeachable officers, upon completion of a full and final
 1379 investigation by the commission, the commission finds that there
 1380 has been a violation of this part or of any provision of s. 8,
 1381 Art. II of the State Constitution, and the commission finds that
 1382 the violation may constitute grounds for impeachment, the
 1383 commission shall forward a copy of the complaint or referral and
 1384 its findings by certified mail to the Speaker of the House of
 1385 Representatives, who shall refer the complaint or referral to
 1386 the appropriate committee for investigation and action which
 1387 shall be governed by the rules of the House of Representatives.
 1388 It is ~~shall be~~ the duty of the committee to report its final
 1389 action upon the matter ~~complaint~~ to the commission within 90
 1390 days of the date of transmittal.

1391 (6) If the commission finds that there has been a
 1392 violation of this part or of any provision of s. 8, Art. II of
 1393 the State Constitution by an impeachable officer other than the
 1394 Governor, and the commission recommends public censure and
 1395 reprimand, forfeiture of a portion of the officer's salary, a
 1396 civil penalty, or restitution, the commission shall report its
 1397 findings and recommendation of disciplinary action to the
 1398 Governor, who has ~~shall have~~ the power to invoke the penalty
 1399 provisions of this part.

1400 (7) If the commission finds that there has been a

HB 7131

2013

1401 violation of this part or of any provision of s. 8, Art. II of
1402 the State Constitution by the Governor, and the commission
1403 recommends public censure and reprimand, forfeiture of a portion
1404 of the Governor's salary, a civil penalty, or restitution, the
1405 commission shall report its findings and recommendation of
1406 disciplinary action to the Attorney General, who shall have the
1407 power to invoke the penalty provisions of this part.

1408 (8) If, in cases ~~pertaining to complaints~~ other than
1409 complaints or referrals against impeachable officers or members
1410 of the Legislature, upon completion of a full and final
1411 investigation by the commission, the commission finds that there
1412 has been a violation of this part or of s. 8, Art. II of the
1413 State Constitution, it is ~~shall be~~ the duty of the commission to
1414 report its findings and recommend appropriate action to the
1415 proper disciplinary official or body as follows, and such
1416 official or body has ~~shall have~~ the power to invoke the penalty
1417 provisions of this part, including the power to order the
1418 appropriate elections official to remove a candidate from the
1419 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1420 II of the State Constitution:

1421 (a) The President of the Senate and the Speaker of the
1422 House of Representatives, jointly, in any case concerning the
1423 Public Counsel, members of the Public Service Commission,
1424 members of the Public Service Commission Nominating Council, the
1425 Auditor General, or the director of the Office of Program Policy
1426 Analysis and Government Accountability.

1427 (b) The Supreme Court, in any case concerning an employee
1428 of the judicial branch.

HB 7131

2013

1429 (c) The President of the Senate, in any case concerning an
1430 employee of the Senate; the Speaker of the House of
1431 Representatives, in any case concerning an employee of the House
1432 of Representatives; or the President and the Speaker, jointly,
1433 in any case concerning an employee of a committee of the
1434 Legislature whose members are appointed solely by the President
1435 and the Speaker or in any case concerning an employee of the
1436 Public Counsel, Public Service Commission, Auditor General, or
1437 Office of Program Policy Analysis and Government Accountability.

1438 (d) Except as otherwise provided by this part, the
1439 Governor, in the case of any other public officer, public
1440 employee, former public officer or public employee, candidate or
1441 former candidate, or person who is not a public officer or
1442 employee, other than lobbyists and lobbying firms under s.
1443 112.3215 for violations of s. 112.3215.

1444 (e) The President of the Senate or the Speaker of the
1445 House of Representatives, whichever is applicable, in any case
1446 concerning a former member of the Legislature who has violated a
1447 provision applicable to former members or whose violation
1448 occurred while a member of the Legislature.

1449 (9) In addition to reporting its findings to the proper
1450 disciplinary body or official, the commission shall report these
1451 findings to the state attorney or any other appropriate official
1452 or agency having authority to initiate prosecution when
1453 violation of criminal law is indicated.

1454 (10) Notwithstanding the foregoing procedures of this
1455 section, a sworn complaint against any member or employee of the
1456 Commission on Ethics for violation of this part or of s. 8, Art.

HB 7131

2013

1457 II of the State Constitution shall be filed with the President
1458 of the Senate and the Speaker of the House of Representatives.
1459 Each presiding officer shall, after determining that there are
1460 sufficient grounds for review, appoint three members of their
1461 respective bodies to a special joint committee who shall
1462 investigate the complaint. The members shall elect a chair from
1463 among their number. If the special joint committee finds
1464 insufficient evidence to establish probable cause to believe a
1465 violation of this part or of s. 8, Art. II of the State
1466 Constitution has occurred, it shall dismiss the complaint. If,
1467 upon completion of its preliminary investigation, the committee
1468 finds sufficient evidence to establish probable cause to believe
1469 a violation has occurred, the chair thereof shall transmit such
1470 findings to the Governor who shall convene a meeting of the
1471 Governor, the President of the Senate, the Speaker of the House
1472 of Representatives, and the Chief Justice of the Supreme Court
1473 to take such final action on the complaint as they shall deem
1474 appropriate, consistent with the penalty provisions of this
1475 part. Upon request of a majority of the Governor, the President
1476 of the Senate, the Speaker of the House of Representatives, and
1477 the Chief Justice of the Supreme Court, the special joint
1478 committee shall submit a recommendation as to what penalty, if
1479 any, should be imposed.

1480 (11) (a) Notwithstanding subsections (1)-(8), the
1481 commission may dismiss any complaint or referral at any stage of
1482 disposition if it determines that the violation that is alleged
1483 or has occurred is a de minimis violation attributable to
1484 inadvertent or unintentional error. In determining whether a

HB 7131

2013

1485 violation was de minimis, the commission shall consider whether
1486 the interests of the public were protected despite the
1487 violation. This subsection does not apply to complaints or
1488 referrals pursuant to ss. 112.3144 and 112.3145.

1489 (b) For the purposes of this subsection, a de minimis
1490 violation is any violation that is unintentional and not
1491 material in nature.

1492 (12)~~(11)~~ Notwithstanding the provisions of subsections
1493 (1)-(8), the commission may, at its discretion, dismiss any
1494 complaint or referral at any stage of disposition should it
1495 determine that the public interest would not be served by
1496 proceeding further, in which case the commission shall issue a
1497 public report stating with particularity its reasons for the
1498 dismissal.

1499 Section 17. For the purpose of incorporating the amendment
1500 made by this act to section 112.3143, Florida Statutes, in a
1501 reference thereto, subsection (1) of section 120.665, Florida
1502 Statutes, is reenacted to read:

1503 120.665 Disqualification of agency personnel.—

1504 (1) Notwithstanding the provisions of s. 112.3143, any
1505 individual serving alone or with others as an agency head may be
1506 disqualified from serving in an agency proceeding for bias,
1507 prejudice, or interest when any party to the agency proceeding
1508 shows just cause by a suggestion filed within a reasonable
1509 period of time prior to the agency proceeding. If the
1510 disqualified individual was appointed, the appointing power may
1511 appoint a substitute to serve in the matter from which the
1512 individual is disqualified. If the individual is an elected

HB 7131

2013

1513 official, the Governor may appoint a substitute to serve in the
1514 matter from which the individual is disqualified. However, if a
1515 quorum remains after the individual is disqualified, it shall
1516 not be necessary to appoint a substitute.

1517 Section 18. For the purpose of incorporating the amendment
1518 made by this act to section 112.3143, Florida Statutes, in a
1519 reference thereto, section 286.012, Florida Statutes, is
1520 reenacted to read:

1521 286.012 Voting requirement at meetings of governmental
1522 bodies.—No member of any state, county, or municipal
1523 governmental board, commission, or agency who is present at any
1524 meeting of any such body at which an official decision, ruling,
1525 or other official act is to be taken or adopted may abstain from
1526 voting in regard to any such decision, ruling, or act; and a
1527 vote shall be recorded or counted for each such member present,
1528 except when, with respect to any such member, there is, or
1529 appears to be, a possible conflict of interest under the
1530 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1531 cases, said member shall comply with the disclosure requirements
1532 of s. 112.3143.

1533 Section 19. For the purpose of incorporating the amendment
1534 made by this act to section 112.324, Florida Statutes, in a
1535 reference thereto, section 287.175, Florida Statutes, is
1536 reenacted to read:

1537 287.175 Penalties.—A violation of this part or a rule
1538 adopted hereunder, pursuant to applicable constitutional and
1539 statutory procedures, constitutes misuse of public position as
1540 defined in s. 112.313(6), and is punishable as provided in s.

HB 7131

2013

1541 112.317. The Chief Financial Officer shall report incidents of
1542 suspected misuse to the Commission on Ethics, and the commission
1543 shall investigate possible violations of this part or rules
1544 adopted hereunder when reported by the Chief Financial Officer,
1545 notwithstanding the provisions of s. 112.324. Any violation of
1546 this part or a rule adopted hereunder shall be presumed to have
1547 been committed with wrongful intent, but such presumption is
1548 rebuttable. Nothing in this section is intended to deny rights
1549 provided to career service employees by s. 110.227.

1550 Section 20. Paragraph (c) of subsection (1) of section
1551 288.901, Florida Statutes, is amended to read:

1552 288.901 Enterprise Florida, Inc.—

1553 (1) CREATION.—

1554 (c) The Legislature determines that it is in the public
1555 interest for the members of Enterprise Florida, Inc., board of
1556 directors to be subject to the requirements of ss. 112.3135,
1557 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1558 notwithstanding the fact that the board members are not public
1559 officers or employees. For purposes of those sections, the board
1560 members shall be considered to be public officers or employees.
1561 The exemption set forth in s. 112.313(12) for advisory boards
1562 applies to the members of Enterprise Florida, Inc., board of
1563 directors. Further, each member of the board of directors who is
1564 not otherwise required to file financial disclosures pursuant to
1565 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1566 file disclosure of financial interests pursuant to s. 112.3145.
1567 Section 21. Subsection (1) of section 445.007, Florida
1568 Statutes, is reenacted for the purpose of incorporating the

HB 7131

2013

1569 amendment made by this act to section 112.3143, Florida
1570 Statutes, in a reference thereto, and subsection (11) of that
1571 section is amended, to read:

1572 445.007 Regional workforce boards.—

1573 (1) One regional workforce board shall be appointed in
1574 each designated service delivery area and shall serve as the
1575 local workforce investment board pursuant to Pub. L. No. 105-
1576 220. The membership of the board shall be consistent with Pub.
1577 L. No. 105-220, Title I, s. 117(b) but may not exceed the
1578 minimum membership required in Pub. L. No. 105-220, Title I, s.
1579 117(b) (2) (A) and in this subsection. Upon approval by the
1580 Governor, the chief elected official may appoint additional
1581 members above the limit set by this subsection. If a public
1582 education or training provider is represented on the board, a
1583 representative of a private nonprofit provider and a
1584 representative of a private for-profit provider must also be
1585 appointed to the board. The board shall include one nonvoting
1586 representative from a military installation if a military
1587 installation is located within the region and the appropriate
1588 military command or organization authorizes such representation.
1589 It is the intent of the Legislature that membership of a
1590 regional workforce board include persons who are current or
1591 former recipients of welfare transition assistance as defined in
1592 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1593 or that such persons be included as ex officio members of the
1594 board or of committees organized by the board. The importance of
1595 minority and gender representation shall be considered when
1596 making appointments to the board. The board, its committees,

HB 7131

2013

1597 subcommittees, and subdivisions, and other units of the
 1598 workforce system, including units that may consist in whole or
 1599 in part of local governmental units, may use any method of
 1600 telecommunications to conduct meetings, including establishing a
 1601 quorum through telecommunications, provided that the public is
 1602 given proper notice of the telecommunications meeting and
 1603 reasonable access to observe and, when appropriate, participate.
 1604 Regional workforce boards are subject to chapters 119 and 286
 1605 and s. 24, Art. I of the State Constitution. If the regional
 1606 workforce board enters into a contract with an organization or
 1607 individual represented on the board of directors, the contract
 1608 must be approved by a two-thirds vote of the board, a quorum
 1609 having been established, and the board member who could benefit
 1610 financially from the transaction must abstain from voting on the
 1611 contract. A board member must disclose any such conflict in a
 1612 manner that is consistent with the procedures outlined in s.
 1613 112.3143. Each member of a regional workforce board who is not
 1614 otherwise required to file a full and public disclosure of
 1615 financial interests pursuant to s. 8, Art. II of the State
 1616 Constitution or s. 112.3144 shall file a statement of financial
 1617 interests pursuant to s. 112.3145. The executive director or
 1618 designated person responsible for the operational and
 1619 administrative functions of the regional workforce board who is
 1620 not otherwise required to file a full and public disclosure of
 1621 financial interests pursuant to s. 8, Art. II of the State
 1622 Constitution or s. 112.3144 shall file a statement of financial
 1623 interests pursuant to s. 112.3145.

1624 (11) To increase transparency and accountability, a

HB 7131

2013

1625 regional workforce board must comply with the requirements of
1626 this section before contracting with a member of the board or a
1627 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1628 board member or of an employee of the board. Such contracts may
1629 not be executed before or without the approval of Workforce
1630 Florida, Inc. Such contracts, as well as documentation
1631 demonstrating adherence to this section as specified by
1632 Workforce Florida, Inc., must be submitted to the Department of
1633 Economic Opportunity for review and recommendation according to
1634 criteria to be determined by Workforce Florida, Inc. Such a
1635 contract must be approved by a two-thirds vote of the board, a
1636 quorum having been established; all conflicts of interest must
1637 be disclosed before the vote; and any member who may benefit
1638 from the contract, or whose relative may benefit from the
1639 contract, must abstain from the vote. A contract under \$25,000
1640 between a regional workforce board and a member of that board or
1641 between a relative, as defined in s. 112.3143(1)(c)
1642 ~~112.3143(1)(b)~~, of a board member or of an employee of the board
1643 is not required to have the prior approval of Workforce Florida,
1644 Inc., but must be approved by a two-thirds vote of the board, a
1645 quorum having been established, and must be reported to the
1646 Department of Economic Opportunity and Workforce Florida, Inc.,
1647 within 30 days after approval. If a contract cannot be approved
1648 by Workforce Florida, Inc., a review of the decision to
1649 disapprove the contract may be requested by the regional
1650 workforce board or other parties to the disapproved contract.

1651 Section 22. For the purpose of incorporating the amendment
1652 made by this act to section 112.3143, Florida Statutes, in a

HB 7131

2013

1653 reference thereto, paragraph (m) of subsection (5) of section
 1654 627.311, Florida Statutes, is reenacted to read:
 1655 627.311 Joint underwriters and joint reinsurers; public
 1656 records and public meetings exemptions.—
 1657 (5)
 1658 (m) Senior managers and officers, as defined in the plan
 1659 of operation, and members of the board of governors are subject
 1660 to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
 1661 112.316, and 112.317. Senior managers, officers, and board
 1662 members are also required to file such disclosures with the
 1663 Commission on Ethics and the Office of Insurance Regulation. The
 1664 executive director of the plan or his or her designee shall
 1665 notify each newly appointed and existing appointed member of the
 1666 board of governors, senior manager, and officer of his or her
 1667 duty to comply with the reporting requirements of s. 112.3145.
 1668 At least quarterly, the executive director of the plan or his or
 1669 her designee shall submit to the Commission on Ethics a list of
 1670 names of the senior managers, officers, and members of the board
 1671 of governors who are subject to the public disclosure
 1672 requirements under s. 112.3145. Notwithstanding s. 112.313, an
 1673 employee, officer, owner, or director of an insurance agency,
 1674 insurance company, or other insurance entity may be a member of
 1675 the board of governors unless such employee, officer, owner, or
 1676 director of an insurance agency, insurance company, other
 1677 insurance entity, or an affiliate provides policy issuance,
 1678 policy administration, underwriting, claims handling, or payroll
 1679 audit services. Notwithstanding s. 112.3143, such board member
 1680 may not participate in or vote on a matter if the insurance

HB 7131

2013

1681 agency, insurance company, or other insurance entity would
1682 obtain a special or unique benefit that would not apply to other
1683 similarly situated insurance entities.

1684 Section 23. For the purpose of incorporating the amendment
1685 made to this act to section 112.3143, Florida Statutes, in a
1686 reference thereto, paragraph (d) of subsection (6) of section
1687 627.351, Florida Statutes, is reenacted to read:

1688 627.351 Insurance risk apportionment plans.—

1689 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1690 (d)1. All prospective employees for senior management
1691 positions, as defined by the plan of operation, are subject to
1692 background checks as a prerequisite for employment. The office
1693 shall conduct the background checks pursuant to ss. 624.34,
1694 624.404(3), and 628.261.

1695 2. On or before July 1 of each year, employees of the
1696 corporation must sign and submit a statement attesting that they
1697 do not have a conflict of interest, as defined in part III of
1698 chapter 112. As a condition of employment, all prospective
1699 employees must sign and submit to the corporation a conflict-of-
1700 interest statement.

1701 3. Senior managers and members of the board of governors
1702 are subject to part III of chapter 112, including, but not
1703 limited to, the code of ethics and public disclosure and
1704 reporting of financial interests, pursuant to s. 112.3145.
1705 Notwithstanding s. 112.3143(2), a board member may not vote on
1706 any measure that would inure to his or her special private gain
1707 or loss; that he or she knows would inure to the special private
1708 gain or loss of any principal by whom he or she is retained or

HB 7131

2013

1709 to the parent organization or subsidiary of a corporate
1710 principal by which he or she is retained, other than an agency
1711 as defined in s. 112.312; or that he or she knows would inure to
1712 the special private gain or loss of a relative or business
1713 associate of the public officer. Before the vote is taken, such
1714 member shall publicly state to the assembly the nature of his or
1715 her interest in the matter from which he or she is abstaining
1716 from voting and, within 15 days after the vote occurs, disclose
1717 the nature of his or her interest as a public record in a
1718 memorandum filed with the person responsible for recording the
1719 minutes of the meeting, who shall incorporate the memorandum in
1720 the minutes. Senior managers and board members are also required
1721 to file such disclosures with the Commission on Ethics and the
1722 Office of Insurance Regulation. The executive director of the
1723 corporation or his or her designee shall notify each existing
1724 and newly appointed member of the board of governors and senior
1725 managers of their duty to comply with the reporting requirements
1726 of part III of chapter 112. At least quarterly, the executive
1727 director or his or her designee shall submit to the Commission
1728 on Ethics a list of names of the senior managers and members of
1729 the board of governors who are subject to the public disclosure
1730 requirements under s. 112.3145.

1731 4. Notwithstanding s. 112.3148 or s. 112.3149, or any
1732 other provision of law, an employee or board member may not
1733 knowingly accept, directly or indirectly, any gift or
1734 expenditure from a person or entity, or an employee or
1735 representative of such person or entity, which has a contractual
1736 relationship with the corporation or who is under consideration

HB 7131

2013

1737 | for a contract. An employee or board member who fails to comply
1738 | with subparagraph 3. or this subparagraph is subject to
1739 | penalties provided under ss. 112.317 and 112.3173.

1740 | 5. Any senior manager of the corporation who is employed
1741 | on or after January 1, 2007, regardless of the date of hire, who
1742 | subsequently retires or terminates employment is prohibited from
1743 | representing another person or entity before the corporation for
1744 | 2 years after retirement or termination of employment from the
1745 | corporation.

1746 | 6. Any senior manager of the corporation who is employed
1747 | on or after January 1, 2007, regardless of the date of hire, who
1748 | subsequently retires or terminates employment is prohibited from
1749 | having any employment or contractual relationship for 2 years
1750 | with an insurer that has entered into a take-out bonus agreement
1751 | with the corporation.

1752 | Section 24. This act shall take effect upon becoming a
1753 | law.