

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 1474

INTRODUCER: Community Affairs Committee; Ethics and Elections Committee; and Senator Abruzzo

SUBJECT: Public Officers and Employees

DATE: April 23, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u>Shettle</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1474 allows the electors of a political subdivision to impose on its officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics. The bill provides that a respondent charged with an ethics violation is entitled to a public hearing. The local ethics ordinance shall establish procedures concerning the hearing. The bill provides that the respondent may choose whether the local ethics board or a hearing officer will preside over the hearing.

The bill is not expected to have a significant fiscal impact.

II. Present Situation:

Pursuant to s. 112.326, F.S., the governing body of any political subdivision, by ordinance, or agency, by rule, is permitted to impose additional or more stringent standards of conduct and disclosure requirements than are contained in the Code of Ethics. The governing body of a political subdivision or agency may not adopt standards of conduct and disclosure requirements that conflict with the Code of Ethics.

III. Effect of Proposed Changes:

Section 1 amends s. 112.236, F.S., to allow the electors of a political subdivision to impose on its officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics.

The bill provides that, if a local ethics agency determines that probable cause exists that a violation of the local ethics ordinance has occurred, then a respondent charged with an ethics violation is entitled to a public hearing. The local ethics ordinance shall establish procedures concerning the request of and/or waiver of the right to a hearing. The respondent may choose whether the local ethics board or a hearing officer will preside over the hearing. The bill does not prohibit a respondent and a local ethics agency from entering into a consent agreement or stipulation to resolve the allegations.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/CS/SB 1474 is not expected to have a significant fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.326 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on April 1, 2014:

- Removes language stating that the local complaint-related procedures are to follow the procedures set forth by the Commission on Ethics.
- States that the respondent is entitled to a public hearing upon a determination of probable cause of a violation of the local ethics ordinance.
- Requires the local ethics ordinance to establish procedures concerning the request of or waiver of the hearing.
- Provides that the respondent may choose whether the local ethics board or a public hearing officer will preside over the hearing.
- Provides that the bill does not prohibit the parties from entering into a consent agreement to resolve the allegations.

CS by Ethics and Elections on March 17, 2014:

- Does not require the Florida Commission on Ethics to investigate alleged violations of a local ethics code;
- Does not require the Florida Commission on Ethics to render advisory opinions on the applicability of local ethics codes;
- Removes the conforming provisions relating to imposition of penalties, the applicable statute of limitations, providing materials to assist in complying with the local ethics codes;
- No longer requires that the Florida Commission on Ethics serve as the official custodian of records for complaints and related documents that alleges violations of local ethics codes; and
- Does not extend the prohibition on contingency fees in s. 112.3217, F.S., to local government action.

B. Amendments:

None.