

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1474

INTRODUCER: Ethics and Elections Committee and Senator Abruzzo

SUBJECT: Public Officers and Employees

DATE: March 31, 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>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1474 allows electors of a political subdivision to impose on its own officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics. The bill also requires local ethics commissions or agencies to use complaint-related procedures that conform to those used by the Commission on Ethics.

**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 electors of a political subdivision to impose on its own officers and employees additional or more stringent standards of conduct than are required in the Code of Ethics. The bill also requires local ethics commissions or agencies to have complaint-related procedures that conform to those used by the Commission on Ethics.

**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:

Indeterminate.

**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 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.