



218222

LEGISLATIVE ACTION

Senate

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House

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The Committee on Ethics and Elections (Clemens) recommended the following:

1           **Senate Substitute for Amendment (976080) (with title**  
2 **amendment)**

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4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 112.3142, Florida Statutes, is amended  
7 to read:

8           112.3142 Ethics training for specified constitutional  
9 officers and elected municipal officers.—

10           (1) As used in this section, the term "constitutional



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11 officers" includes the Governor, the Lieutenant Governor, the  
12 Attorney General, the Chief Financial Officer, the Commissioner  
13 of Agriculture, state attorneys, public defenders, sheriffs, tax  
14 collectors, property appraisers, supervisors of elections,  
15 clerks of the circuit court, county commissioners, district  
16 school board members, and superintendents of schools.

17 (2) (a) All constitutional officers must complete 4 hours of  
18 ethics training each calendar year which ~~annually that~~  
19 addresses, at a minimum, s. 8, Art. II of the State  
20 Constitution, the Code of Ethics for Public Officers and  
21 Employees, and the public records and public meetings laws of  
22 this state. This requirement may be satisfied by completion of a  
23 continuing legal education class or other continuing  
24 professional education class, seminar, or presentation if the  
25 required subjects are covered.

26 (b) Beginning January 1, 2015, all elected municipal  
27 officers must complete 4 hours of ethics training each calendar  
28 year which addresses, at a minimum, s. 8, Art. II of the State  
29 Constitution, the Code of Ethics for Public Officers and  
30 Employees, and the public records and public meetings laws of  
31 this state. This requirement may be satisfied by completion of a  
32 continuing legal education class or other continuing  
33 professional education class, seminar, or presentation if the  
34 required subjects are covered.

35 (c) ~~(b)~~ The commission shall adopt rules establishing  
36 minimum course content for the portion of an ethics training  
37 class which ~~that~~ addresses s. 8, Art. II of the State  
38 Constitution and the Code of Ethics for Public Officers and  
39 Employees.



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40       (d) The Legislature intends that a constitutional officer  
41 or elected municipal officer who is required to complete ethics  
42 training pursuant to this section receive the required training  
43 as close as possible to the date on which he or she assumes  
44 office. A constitutional officer or elected municipal officer  
45 assuming a new office or new term of office on or before March  
46 31 must complete the annual training on or before December 31 of  
47 the year in which the term of office began. A constitutional  
48 officer or elected municipal officer assuming a new office after  
49 March 31 is not required to complete ethics training for the  
50 calendar year in which he or she assumes the new office.

51       Section 2. Subsection (3) of section 112.322, Florida  
52 Statutes, is amended to read:

53       112.322 Duties and powers of commission.—

54       (3) (a) A ~~Every~~ public officer, candidate for public office,  
55 or public employee, when in doubt about the applicability and  
56 interpretation of this part or s. 8, Art. II of the State  
57 Constitution to himself or herself in a particular context, may  
58 submit in writing the facts of the situation to the Commission  
59 on Ethics with a request for an advisory opinion to establish  
60 the standard of public duty. Any public officer or employee who  
61 has the power to hire or terminate employees may likewise seek  
62 an advisory opinion from the commission as to the application of  
63 ~~the provisions of~~ this part or s. 8, Art. II of the State  
64 Constitution to any such employee or applicant for employment.  
65 The commission may provide an informal advisory opinion or a  
66 formal advisory opinion. If a formal ~~An~~ advisory opinion is  
67 ~~shall be~~ rendered by the commission, ~~and each~~ such opinion must  
68 ~~shall~~ be numbered, dated, and published without naming the



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69 person making the request, unless such person consents to the  
70 use of his or her name.

71 (b) If the executive director determines that sufficient  
72 legal or formal advisory opinion precedent exists to establish  
73 the standard of public duty, the executive director must provide  
74 the requestor with a written informal advisory opinion  
75 containing the requested guidance. The commission must render an  
76 informal advisory opinion within 10 business days after receipt  
77 of the request, unless the executive director determines that  
78 good cause exists for a reasonable extension of time.

79 (c) If insufficient precedent exists, or if there is  
80 substantial concern that the commission would render an opinion  
81 differing from that stated in applicable opinions or legal  
82 precedent under the material facts presented, commission staff  
83 shall prepare a draft formal opinion of the commission. The  
84 commission must address the draft formal opinion request at the  
85 next scheduled commission meeting, unless good cause exists for  
86 a reasonable extension of time.

87 (d) ~~(b)~~ An informal or formal advisory ~~Such~~ opinion, until  
88 amended or revoked, shall be binding on the conduct of the  
89 officer, employee, or candidate who sought the opinion or with  
90 reference to whom the opinion was sought, unless material facts  
91 were omitted or misstated in the request for the advisory  
92 opinion, or have subsequently changed. If the material facts do  
93 not differ from those contained in the request, and the  
94 requestor has complied with the guidance provided by the  
95 commission or the executive director, the commission shall  
96 dismiss any complaint alleging that the conduct that is the  
97 subject of the formal or informal advisory opinion violated this



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98 part or s. 8, Art. II of the State Constitution.

99 Section 3. Section 112.326, Florida Statutes, is amended to  
100 read:

101 112.326 Additional requirements by political subdivisions  
102 and agencies not prohibited.-

103 (1) A political subdivision or agency is prohibited from  
104 imposing a standard of conduct identical to a standard contained  
105 in this part. This part does not prohibit the electors or  
106 ~~Nothing in this act shall prohibit~~ the governing body of a any  
107 political subdivision, by charter or ordinance, or agency, by  
108 rule, from imposing upon its own officers and employees  
109 additional or more stringent standards of conduct and disclosure  
110 requirements than those specified in this part, if provided that  
111 those standards of conduct and disclosure requirements do not  
112 otherwise conflict with the provisions of this part.

113 (2) A political subdivision is prohibited from imposing  
114 additional or more stringent standards of conduct and disclosure  
115 requirements upon the public officers and employees of another  
116 political subdivision, unless the imposition of such standards  
117 and requirements are approved by a majority of the electors in  
118 the political subdivision voting upon the measure. This  
119 subsection does not apply to a political subdivision that has  
120 imposed additional or more stringent standards of conduct and  
121 disclosure requirements upon the public officers and employees  
122 of another political subdivision on or before March 1, 2014, and  
123 such a political subdivision may impose further additional or  
124 more stringent standards of conduct and disclosure requirements  
125 upon the public officers or employees of another political  
126 subdivision as authorized by law.



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127 Section 4. Section 286.012, Florida Statutes, is amended to  
128 read:

129 286.012 Voting requirement at meetings of governmental  
130 bodies.—A ~~No~~ member of any state, county, or municipal  
131 governmental board, commission, or agency who is present at any  
132 meeting of any such body at which an official decision, ruling,  
133 or other official act is to be taken or adopted may not abstain  
134 from voting in regard to any such decision, ruling, or act; and  
135 a vote shall be recorded or counted for each such member  
136 present, unless ~~except when~~, with respect to any such member,  
137 there is, or appears to be, a possible conflict of interest  
138 under the provisions of s. 112.311, s. 112.313, or s. 112.3143,  
139 or additional or more stringent standards of conduct, if any,  
140 adopted pursuant to s. 112.326. If there is, or appears to be, a  
141 possible conflict under s. 112.311, s. 112.313, or s. 112.3143,  
142 the member shall comply with the disclosure requirements of s.  
143 112.3143. If the only conflict or possible conflict is one  
144 arising from the additional or more stringent standards adopted  
145 pursuant to s. 112.326, the member shall comply with any  
146 disclosure requirements adopted pursuant to s. 112.326. If the  
147 official decision, ruling, or act occurs in the context of a  
148 quasi-judicial proceeding, a member may abstain from voting on  
149 such matter if the abstention is to assure a fair proceeding  
150 free from potential bias or prejudice ~~In such cases, said member~~  
151 ~~shall comply with the disclosure requirements of s. 112.3143.~~

152 Section 5. This act shall take effect July 1, 2014

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154 ===== T I T L E A M E N D M E N T =====  
155 And the title is amended as follows:



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156 Delete everything before the enacting clause  
157 and insert:

158 A bill to be entitled  
159 An act relating to governmental ethics; amending s.  
160 112.3142, F.S.; requiring elected municipal officers  
161 to complete annual ethics training; providing  
162 legislative intent; amending s. 112.322, F.S.;  
163 revising the duties and powers of the Commission on  
164 Ethics; specifying the circumstances in which the  
165 commission may render an informal or formal advisory  
166 opinion; amending s. 112.326, F.S.; prohibiting a  
167 political subdivision or agency from imposing a  
168 standard of conduct identical to a standard in the  
169 Code of Ethics for Public Officers and Employees;  
170 prohibiting a political subdivision or agency from  
171 imposing additional standards of conduct upon the  
172 public officers and employees of another political  
173 subdivision; providing exceptions; amending s.  
174 286.012, F.S.; revising disclosure requirements with  
175 respect to a voting abstention at a meeting of a  
176 governmental body; authorizing a member to abstain  
177 from voting on a decision, ruling, or act in a quasi-  
178 judicial proceeding under certain circumstances;  
179 providing an effective date.