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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2014	.	
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The Committee on Ethics and Elections (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) As used in this section, the term "constitutional
officers" includes the Governor, the Lieutenant Governor, the



841730

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

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

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

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

39 (d) The Legislature intends that a constitutional officer



841730

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

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

52 Section 2. Subsection (7) of section 112.317, Florida
53 Statutes, is amended to read:

54 112.317 Penalties.—

55 (7) If ~~In any case in which~~ the commission determines that
56 a person has filed a complaint against a public officer or
57 employee with a malicious intent to injure the reputation of
58 such officer or employee, which intent may be shown by the
59 filing of the complaint with knowledge that the complaint
60 contains one or more false allegations or with reckless
61 disregard for whether the complaint contains false allegations
62 of fact material to a violation of this part:

63 (a) The complainant is ~~shall be~~ liable for costs and ~~plus~~
64 reasonable attorney fees incurred in the defense of the person
65 complained against, including the costs and reasonable attorney
66 fees incurred in proving entitlement to and the amount of costs
67 and fees; and

68 (b) If the commission further finds the complainant



841730

69 willfully disclosed, or permitted to be disclosed, the existence
70 or contents of the complaint, or any document, action, or
71 proceeding in connection with a preliminary investigation of the
72 commission, before such complaint, document, action, or
73 proceeding became a public record as provided in this part, the
74 commission shall impose on the complainant a civil penalty of
75 not less than \$1,000 but not more than \$5,000.

76
77 If the complainant fails to pay such penalty, if any, costs, and
78 fees voluntarily within 30 days after following such finding by
79 the commission, the commission shall forward such information to
80 the Department of Legal Affairs, which shall bring a civil
81 ~~action in a court of competent jurisdiction~~ to recover the
82 amount of such penalty, costs, and fees awarded by the
83 ~~commission.~~

84 Section 3. Present subsections (4) through (9) of section
85 112.322, Florida Statutes, are renumbered as subsections (5)
86 through (10), respectively, and a new subsection (4) is added to
87 that section, to read:

88 112.322 Duties and powers of commission.—

89 (4) (a) A public officer, candidate for public office, or
90 public employee, or an attorney on such person's behalf, when in
91 doubt about the applicability and interpretation of this part or
92 s. 8, Art. II of the State Constitution to himself or herself in
93 a particular context, may submit the facts of the situation to
94 commission staff for a request for guidance to establish the
95 standard of public duty. Additionally, a public officer or
96 public employee who has authority to hire or terminate employees
97 may request guidance from commission staff as to the application



841730

98 of this part or s. 8, Art. II of the State Constitution with
99 respect to an employee or applicant for employment. Upon
100 request, written guidance shall be rendered by commission staff
101 to the requestor in an expedited manner not to exceed 7 calendar
102 days from the original date of request for guidance, unless the
103 requestor agrees to a time extension.

104 (b) If the requestor relies upon and acts in accordance
105 with the written guidance, the written guidance, until amended
106 or revoked, shall be considered to be binding on the conduct of
107 the public officer, public employee, or candidate who sought the
108 guidance or with reference to whom the guidance was sought,
109 unless material facts were omitted or misstated in the request
110 for guidance. Any action or inaction taken by the requestor in
111 reliance on the written guidance may not form the basis of a
112 complaint under this part or s. 8, Art. II of the State
113 Constitution.

114 Section 4. Section 112.326, Florida Statutes, is amended to
115 read:

116 112.326 Additional requirements by political subdivisions
117 and agencies not prohibited.—Nothing in this part prohibits ~~act~~
118 ~~shall prohibit~~ the electors or the governing body of a ~~any~~
119 political subdivision, by charter or ordinance, or agency, by
120 rule, from imposing upon its own officers and employees
121 additional or more stringent standards of conduct and disclosure
122 requirements than those specified in this part, if provided that
123 those standards of conduct and disclosure requirements do not
124 otherwise conflict with the provisions of this part. A political
125 subdivision is prohibited from imposing additional or more
126 stringent standards of conduct and disclosure requirements upon



127 the officers and employees of another political subdivision;
128 however, such prohibition does not apply to a political
129 subdivision that as of March 1, 2014 has imposed additional or
130 more stringent standards of conduct and disclosure requirements
131 upon the officers and employees of another political
132 subdivision. Such a political subdivision may impose further
133 additional or more stringent standards of conduct and disclosure
134 requirements upon the officers or employees of another political
135 subdivision as provided by law.

136 Section 5. Section 286.012, Florida Statutes, is amended to
137 read:

138 286.012 Voting requirement at meetings of governmental
139 bodies.—No member of any state, county, or municipal
140 governmental board, commission, or agency who is present at any
141 meeting of any such body at which an official decision, ruling,
142 or other official act is to be taken or adopted may abstain from
143 voting in regard to any such decision, ruling, or act; and a
144 vote shall be recorded or counted for each such member present,
145 unless ~~except when~~, with respect to any such member, there is,
146 or appears to be, a possible conflict of interest under ~~the~~
147 ~~provisions of~~ s. 112.311, s. 112.313, ~~or~~ s. 112.3143, or
148 additional or more stringent standards of conduct, if any,
149 adopted pursuant to s. 112.326. If there is, or appears to be, a
150 possible conflict under s. 112.311, s. 112.313, or s. 112.3143,
151 the member shall comply with the disclosure requirements of s.
152 112.3143. If the only conflict or possible conflict is one
153 arising from additional or more stringent standards adopted
154 pursuant to s. 112.326, the member shall comply with any
155 disclosure requirements adopted pursuant to s. 112.326. ~~In such~~



841730

156 ~~eases, said member shall comply with the disclosure requirements~~
157 ~~of s. 112.3143.~~

158 Section 6. If any provision of this act or its application
159 to any person or circumstance is held invalid, the invalidity
160 does not affect other provisions or applications of the act
161 which can be given effect without the invalid provision or
162 application, and to this end the provisions of this act are
163 severable.

164 Section 7. This act shall take effect July 1, 2014.

165
166 ===== T I T L E A M E N D M E N T =====

167 And the title is amended as follows:

168 Delete everything before the enacting clause
169 and insert:

170 A bill to be entitled
171 An act relating to governmental ethics; amending s.
172 112.3142, F.S.; requiring elected municipal officers
173 to complete annual ethics training; providing
174 legislative intent; amending s. 112.317, F.S.;
175 requiring the Commission on Ethics to impose a civil
176 penalty on a person who has filed a complaint with
177 malicious intent under certain circumstances; amending
178 s. 112.322, F.S.; authorizing certain individuals to
179 request written guidance from the commission under
180 certain circumstances; requiring the commission to
181 render written guidance within a specified timeframe;
182 providing that the written guidance is binding on the
183 conduct of the requestor; providing exceptions;
184 providing that action or inaction in reliance on



841730

185 written guidance may not form the basis of a
186 complaint; amending s. 112.326, F.S.; prohibiting a
187 political subdivision from imposing additional
188 standards of conduct upon the public officers and
189 employees of another political subdivision; providing
190 exceptions; amending s. 286.012, F.S.; revising
191 disclosure requirements with respect to a voting
192 abstention at a meeting of a governmental body;
193 providing for severability; providing an effective
194 date.