

2014846e3

1 A bill to be entitled
2 An act relating to governmental ethics; amending s.
3 28.35, F.S.; specifying the applicability of certain
4 provisions of the Code of Ethics for Public Officers
5 and Employees to members of the executive council of
6 the Florida Clerks of Court Operations Corporation;
7 amending s. 112.3142, F.S.; requiring elected
8 municipal officers to participate in annual ethics
9 training; providing legislative intent; amending s.
10 112.3144, F.S.; requiring an officer required to
11 participate in annual ethics training to certify
12 participation on his or her full and public disclosure
13 of financial interests; revising the conditions under
14 which a qualifying officer forwards a full and public
15 disclosure of financial interests to the Commission on
16 Ethics; requiring the Commission on Ethics to initiate
17 an investigation and hold a public hearing without
18 receipt of a complaint in certain circumstances;
19 requiring the commission to enter an order
20 recommending removal of an officer or public employee
21 from public office or public employment in certain
22 circumstances; prohibiting the commission from taking
23 action on a complaint alleging certain errors or
24 omissions on a disclosure; providing that failure to
25 certify completion of annual ethics training on a
26 disclosure does not constitute an immaterial,
27 inconsequential, or de minimis error or omission;
28 amending s. 112.3145, F.S.; requiring an officer
29 required to participate in annual ethics training to

2014846e3

30 certify participation on his or her statement of
31 financial interests; requiring the Commission on
32 Ethics to initiate an investigation and hold a public
33 hearing without receipt of a complaint in certain
34 circumstances; requiring the commission to enter an
35 order to remove an officer or public employee from
36 public office or public employment in certain
37 circumstances; prohibiting the commission from taking
38 action on a complaint alleging certain errors or
39 omissions on a statement; providing that failure to
40 certify completion of annual ethics training on a
41 statement does not constitute an immaterial,
42 inconsequential, or de minimis error or omission;
43 creating s. 112.3251, F.S.; requiring citizen support
44 and direct-support organizations to adopt a code of
45 ethics; establishing minimum requirements for a code
46 of ethics; creating s. 112.3261, F.S.; defining terms;
47 prohibiting a person from lobbying a water management
48 district before registering; establishing registration
49 requirements; requiring public availability of
50 lobbyist registrations; establishing procedures for
51 termination of a lobbyist's registration; authorizing
52 a water management district to establish a
53 registration fee; requiring a water management
54 district to monitor compliance with registration
55 requirements; requiring the commission to investigate
56 a lobbyist or principal upon receipt of a sworn
57 complaint containing certain allegations; requiring
58 the commission to provide the Governor with a report

2014846e3

59 on the findings and recommendations resulting from the
60 investigation; authorizing the Governor to enforce the
61 commission's findings and recommendations; authorizing
62 water management districts to adopt rules governing
63 lobbyist registration and fees; amending s. 286.012,
64 F.S.; revising disclosure requirements with respect to
65 a voting abstention at a meeting of a governmental
66 body; authorizing a member to abstain from voting on a
67 decision, ruling, or act in a quasi-judicial
68 proceeding under certain circumstances; amending s.
69 288.901, F.S.; specifying the applicability of certain
70 provisions of the Code of Ethics for Public Officers
71 and Employees to the president, senior managers, and
72 members of the board of directors of Enterprise
73 Florida, Inc.; amending ss. 288.92 and 288.9604, F.S.;
74 specifying the applicability of certain provisions of
75 the Code of Ethics for Public Officers and Employees
76 to certain officers and board members associated with
77 the divisions of Enterprise Florida, Inc., and to the
78 board of directors of the Florida Development Finance
79 Corporation, respectively; amending s. 348.0003, F.S.;
80 prohibiting a lobbyist from serving as a member of an
81 expressway authority; providing certain lobbying
82 restrictions for members or the executive director of
83 an authority; providing that the authority's general
84 counsel is the authority's ethics officer; providing
85 certain lobbying restrictions for authority board
86 members, employees, and consultants; requiring
87 disclosure of certain relationships or ownership of

2014846e3

88 real estate relating to conflicts of interest;
89 providing procedures for reporting such relationships
90 or ownership; providing that authority employees and
91 consultants are prohibited from serving on the
92 governing body of the authority; requiring the
93 authority to update its code of ethics policy and
94 present such policy for board approval at least once
95 every two years; requiring the authority to providing
96 certain training; providing applicability; providing
97 that certain violations are punishable as provided in
98 the Code of Ethics; amending s. 627.351, F.S.;
99 specifying the applicability of certain provisions of
100 the Code of Ethics for Public Officers and Employees
101 to the executive director of Citizens Property
102 Insurance Corporation; prohibiting a former executive
103 director, senior manager, or member of the board of
104 governors from entering employment or a contractual
105 relationship for a specified timeframe with certain
106 insurers; providing an effective date.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. Paragraph (b) of subsection (1) of section
111 28.35, Florida Statutes, is amended to read:

112 28.35 Florida Clerks of Court Operations Corporation.—

113 (1)

114 (b)1. The executive council shall be composed of eight
115 clerks of the court elected by the clerks of the courts for a
116 term of 2 years, with two clerks from counties with a population

2014846e3

117 of fewer than 100,000, two clerks from counties with a
118 population of at least 100,000 but fewer than 500,000, two
119 clerks from counties with a population of at least 500,000 but
120 fewer than 1 million, and two clerks from counties with a
121 population of ~~more than~~ 1 million or more. The executive council
122 shall also include, as ex officio members, a designee of the
123 President of the Senate and a designee of the Speaker of the
124 House of Representatives. The Chief Justice of the Supreme Court
125 shall designate one additional member to represent the state
126 courts system.

127 2. Members of the executive council of the corporation are
128 subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135;
129 and 112.3143(2). For purposes of applying ss. 112.313(1)-(8),
130 (10), (12), and (15); 112.3135; and 112.3143(2) to activities of
131 executive council members, members shall be considered public
132 officers and the corporation shall be considered the members'
133 agency.

134 Section 2. Section 112.3142, Florida Statutes, is amended
135 to read:

136 112.3142 Ethics training for specified constitutional
137 officers and elected municipal officers.-

138 (1) As used in this section, the term "constitutional
139 officers" includes the Governor, the Lieutenant Governor, the
140 Attorney General, the Chief Financial Officer, the Commissioner
141 of Agriculture, state attorneys, public defenders, sheriffs, tax
142 collectors, property appraisers, supervisors of elections,
143 clerks of the circuit court, county commissioners, district
144 school board members, and superintendents of schools.

145 (2) (a) All constitutional officers must complete 4 hours of

2014846e3

146 ethics training each calendar year which ~~annually that~~
147 addresses, at a minimum, s. 8, Art. II of the State
148 Constitution, the Code of Ethics for Public Officers and
149 Employees, and the public records and public meetings laws of
150 this state. This requirement may be satisfied by completion of a
151 continuing legal education class or other continuing
152 professional education class, seminar, or presentation if the
153 required subjects are covered.

154 (b) Beginning January 1, 2015, all elected municipal
155 officers must complete 4 hours of ethics training each calendar
156 year which addresses, at a minimum, s. 8, Art. II of the State
157 Constitution, the Code of Ethics for Public Officers and
158 Employees, and the public records and public meetings laws of
159 this state. This requirement may be satisfied by completion of a
160 continuing legal education class or other continuing
161 professional education class, seminar, or presentation if the
162 required subjects are covered.

163 (c) ~~(b)~~ The commission shall adopt rules establishing
164 minimum course content for the portion of an ethics training
165 class which ~~that~~ addresses s. 8, Art. II of the State
166 Constitution and the Code of Ethics for Public Officers and
167 Employees.

168 (d) The Legislature intends that a constitutional officer
169 or elected municipal officer who is required to complete ethics
170 training pursuant to this section receive the required training
171 as close as possible to the date that he or she assumes office.
172 A constitutional officer or elected municipal officer assuming a
173 new office or new term of office on or before March 31 must
174 complete the annual training on or before December 31 of the

2014846e3

175 year in which the term of office began. A constitutional officer
176 or elected municipal officer assuming a new office or new term
177 of office after March 31 is not required to complete ethics
178 training for the calendar year in which the term of office
179 began.

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

182 Section 3. Subsections (6) through (9) of section 112.3144,
183 Florida Statutes, are renumbered as subsections (7) through
184 (10), respectively, subsections (1) and (2), paragraph (g) of
185 subsection (5), and paragraphs (a) and (c) of present subsection
186 (7) are amended, and a new subsection (6) is added to that
187 section, to read:

188 112.3144 Full and public disclosure of financial
189 interests.—

190 (1) An officer who is required by s. 8, Art. II of the
191 State Constitution to file a full and public disclosure of his
192 or her financial interests for any calendar or fiscal year shall
193 file that disclosure with the Florida Commission on Ethics.
194 Additionally, beginning January 1, 2015, an officer who is
195 required to complete annual ethics training pursuant to s.
196 112.3142 must certify on his or her full and public disclosure
197 of financial interests that he or she has completed the required
198 training.

199 (2) A person who is required, pursuant to s. 8, Art. II of
200 the State Constitution, to file a full and public disclosure of
201 financial interests and who has filed a full and public
202 disclosure of financial interests for any calendar or fiscal
203 year shall not be required to file a statement of financial

2014846e3

204 interests pursuant to s. 112.3145(2) and (3) for the same year
205 or for any part thereof notwithstanding any requirement of this
206 part. If an incumbent in an elective office has filed the full
207 and public disclosure of financial interests to qualify for
208 election to the same office or if ~~When a candidate has qualified~~
209 for office holds another office subject to the annual filing
210 requirement, the qualifying officer shall forward an electronic
211 copy of the full and public disclosure of financial interests to
212 the commission no later than July 1. The electronic copy of the
213 full and public disclosure of financial interests satisfies the
214 annual disclosure requirement of this section. A candidate who
215 does not qualify until after the annual full and public
216 disclosure of financial interests has been filed pursuant to
217 this section shall file a copy of his or her disclosure with the
218 officer before whom he or she qualifies.

219 (5) Forms for compliance with the full and public
220 disclosure requirements of s. 8, Art. II of the State
221 Constitution shall be created by the Commission on Ethics. The
222 commission shall give notice of disclosure deadlines and
223 delinquencies and distribute forms in the following manner:

224 (g) The notification requirements and fines of this
225 subsection do not apply to candidates or to the first filing
226 required of any person appointed to elective constitutional
227 office or other position required to file full and public
228 disclosure, unless the person's name is on the commission's
229 notification list and the person received notification from the
230 commission. The appointing official shall notify such newly
231 appointed person of the obligation to file full and public
232 disclosure by July 1. The notification requirements and fines of

2014846e3

233 this subsection do not apply to the final filing provided for in
234 subsection (7) ~~(6)~~.

235 (6) If a person holding public office or public employment
236 fails or refuses to file a full and public disclosure of
237 financial interests for any year in which the person received
238 notice from the commission regarding the failure to file and has
239 accrued the maximum automatic fine authorized under this
240 section, regardless of whether the fine imposed was paid or
241 collected, the commission shall initiate an investigation and
242 conduct a public hearing without receipt of a complaint to
243 determine whether the person's failure to file is willful. Such
244 investigation and hearing must be conducted in accordance with
245 s. 112.324. Except as provided in s. 112.324(4), if the
246 commission determines that the person willfully failed to file a
247 full and public disclosure of financial interests, the
248 commission shall enter an order recommending that the officer or
249 employee be removed from his or her public office or public
250 employment.

251 ~~(8)(7)~~(a) The commission shall treat an amended full and
252 public disclosure of financial interests which ~~that~~ is filed
253 before ~~prior to~~ September 1 of the ~~current~~ year in which the
254 disclosure is due as the original filing, regardless of whether
255 a complaint has been filed. ~~If a complaint pertaining to the~~
256 ~~current year alleges a failure to properly and accurately~~
257 ~~disclose any information required by this section or if a~~
258 ~~complaint filed pertaining to a previous reporting period within~~
259 ~~the preceding 5 years alleges a failure to properly and~~
260 ~~accurately disclose any information required to be disclosed by~~
261 ~~this section, the commission may immediately follow complaint~~

2014846e3

262 ~~procedures in s. 112.324. However,~~ If a complaint filed after
263 ~~August 25~~ alleges only an immaterial, inconsequential, or de
264 minimis error or omission, the commission may not take any
265 action on the complaint, other than notifying the filer of the
266 complaint. The filer must be given 30 days to file an amended
267 full and public disclosure of financial interests correcting any
268 errors. If the filer does not file an amended full and public
269 disclosure of financial interests within 30 days after the
270 commission sends notice of the complaint, the commission may
271 continue with proceedings pursuant to s. 112.324.

272 (c) For purposes of this section, an error or omission is
273 immaterial, inconsequential, or de minimis if the original
274 filing provided sufficient information for the public to
275 identify potential conflicts of interest. However, failure to
276 certify completion of annual ethics training required under s.
277 112.3142 does not constitute an immaterial, inconsequential, or
278 de minimis error or omission.

279 Section 4. Subsections (4) through (11) of section
280 112.3145, Florida Statutes, are renumbered as subsections (5)
281 through (12), respectively, paragraphs (a) and (c) of present
282 subsection (9) are amended, paragraph (c) is added to present
283 subsection (7), and a new subsection (4) is added to that
284 section, to read:

285 112.3145 Disclosure of financial interests and clients
286 represented before agencies.—

287 (4) Beginning January 1, 2015, an officer who is required
288 to complete annual ethics training pursuant to s. 112.3142 must
289 certify on his or her statement of financial interests that he
290 or she has completed the required training.

2014846e3

291 (8)~~(7)~~
292 (c) If a person holding public office or public employment
293 fails or refuses to file an annual statement of financial
294 interests for any year in which the person received notice from
295 the commission regarding the failure to file and has accrued the
296 maximum automatic fine authorized under this section, regardless
297 of whether the fine imposed was paid or collected, the
298 commission shall initiate an investigation and conduct a public
299 hearing without receipt of a complaint to determine whether the
300 person's failure to file is willful. Such investigation and
301 hearing must be conducted in accordance with s. 112.324. Except
302 as provided in s. 112.324(4), if the commission determines that
303 the person willfully failed to file a statement of financial
304 interests, the commission shall enter an order recommending that
305 the officer or employee be removed from his or her public office
306 or public employment.

307 (10)~~(9)~~ (a) The commission shall treat an amended annual
308 statement of financial interests which that is filed before
309 prior to September 1 of the current year in which the statement
310 is due as the original filing, regardless of whether a complaint
311 has been filed. ~~If a complaint pertaining to the current year~~
312 ~~alleges a failure to properly and accurately disclose any~~
313 ~~information required by this section or if a complaint filed~~
314 ~~pertaining to a previous reporting period within the preceding 5~~
315 ~~years alleges a failure to properly and accurately disclose any~~
316 ~~information required to be disclosed by this section, the~~
317 ~~commission may immediately follow complaint procedures in s.~~
318 ~~112.324. However, If a complaint filed after August 25 alleges~~
319 only an immaterial, inconsequential, or de minimis error or

2014846e3

320 omission, the commission may not take any action on the
321 complaint, other than notifying the filer of the complaint. The
322 filer must be given 30 days to file an amended statement of
323 financial interests correcting any errors. If the filer does not
324 file an amended statement of financial interests within 30 days
325 after the commission sends notice of the complaint, the
326 commission may continue with proceedings pursuant to s. 112.324.

327 (c) For purposes of this section, an error or omission is
328 immaterial, inconsequential, or de minimis if the original
329 filing provided sufficient information for the public to
330 identify potential conflicts of interest. However, failure to
331 certify completion of annual ethics training required under s.
332 112.3142 does not constitute an immaterial, inconsequential, or
333 de minimis error or omission.

334 Section 5. Section 112.3251, Florida Statutes, is created
335 to read:

336 112.3251 Citizen support and direct-support organizations;
337 standards of conduct.—A citizen support or direct-support
338 organization created or authorized pursuant to law must adopt
339 its own ethics code. The ethics code must contain the standards
340 of conduct and disclosures required under ss. 112.313 and
341 112.3143(2), respectively. However, an ethics code adopted
342 pursuant to this section is not required to contain the
343 standards of conduct specified in s. 112.313(3) or (7). The
344 citizen support or direct-support organization may adopt
345 additional or more stringent standards of conduct and disclosure
346 requirements if those standards of conduct and disclosure
347 requirements do not otherwise conflict with this part. The
348 ethics code must be conspicuously posted on the citizen support

2014846e3

349 or direct-support organization's website.

350 Section 6. Section 112.3261, Florida Statutes, is created
351 to read:

352 112.3261 Lobbying before water management districts;
353 registration and reporting.-

354 (1) As used in this section, the term:

355 (a) "District" means a water management district created in
356 s. 373.069 and operating under the authority of chapter 373.

357 (b) "Lobbies" means seeking, on behalf of another person,
358 to influence a district with respect to a decision of the
359 district in an area of policy or procurement or an attempt to
360 obtain the goodwill of a district official or employee. The term
361 "lobbies" shall be interpreted and applied consistently with the
362 rules of the commission implementing s. 112.3215.

363 (c) "Lobbyist" has the same meaning as provided in s.
364 112.3215.

365 (d) "Principal" has the same meaning as provided in s.
366 112.3215.

367 (2) A person may not lobby a district until such person has
368 registered as a lobbyist with that district. Such registration
369 shall be due upon initially being retained to lobby and is
370 renewable on a calendar-year basis thereafter. Upon
371 registration, the person shall provide a statement signed by the
372 principal or principal's representative stating that the
373 registrant is authorized to represent the principal. The
374 principal shall also identify and designate its main business on
375 the statement authorizing that lobbyist pursuant to a
376 classification system approved by the district. Any changes to
377 the information required by this section must be disclosed

2014846e3

378 within 15 days by filing a new registration form. The
379 registration form shall require each lobbyist to disclose, under
380 oath, the following:

381 (a) The lobbyist's name and business address.

382 (b) The name and business address of each principal
383 represented.

384 (c) The existence of any direct or indirect business
385 association, partnership, or financial relationship with any
386 officer or employee of a district with which he or she lobbies
387 or intends to lobby.

388 (d) In lieu of creating its own lobbyist registration
389 forms, a district may accept a completed legislative branch or
390 executive branch lobbyist registration form.

391 (3) A district shall make lobbyist registrations available
392 to the public. If a district maintains a website, a database of
393 currently registered lobbyists and principals must be available
394 on the district's website.

395 (4) A lobbyist shall promptly send a written statement to
396 the district cancelling the registration for a principal upon
397 termination of the lobbyist's representation of that principal.
398 A district may remove the name of a lobbyist from the list of
399 registered lobbyists if the principal notifies the district that
400 a person is no longer authorized to represent that principal.

401 (5) A district may establish an annual lobbyist
402 registration fee, not to exceed \$40, for each principal
403 represented. The district may use registration fees only to
404 administer this section.

405 (6) A district shall be diligent to ascertain whether
406 persons required to register pursuant to this section have

2014846e3

407 complied. A district may not knowingly authorize a person who is
408 not registered pursuant to this section to lobby the district.

409 (7) Upon receipt of a sworn complaint alleging that a
410 lobbyist or principal has failed to register with a district or
411 has knowingly submitted false information in a report or
412 registration required under this section, the commission shall
413 investigate a lobbyist or principal pursuant to the procedures
414 established under s. 112.324. The commission shall provide the
415 Governor with a report of its findings and recommendations in
416 any investigation conducted pursuant to this subsection. The
417 Governor is authorized to enforce the commission's findings and
418 recommendations.

419 (8) Water management districts may adopt rules to establish
420 procedures to govern the registration of lobbyists, including
421 the adoption of forms and the establishment of a lobbyist
422 registration fee.

423 Section 7. Section 286.012, Florida Statutes, is amended to
424 read:

425 286.012 Voting requirement at meetings of governmental
426 bodies.—A ~~No~~ member of a ~~any~~ state, county, or municipal
427 governmental board, commission, or agency who is present at a
428 ~~any~~ meeting of any such body at which an official decision,
429 ruling, or other official act is to be taken or adopted may not
430 abstain from voting in regard to any such decision, ruling, or
431 act; and a vote shall be recorded or counted for each such
432 member present, unless ~~except when~~, with respect to any such
433 member, there is, or appears to be, a possible conflict of
434 interest under ~~the provisions of~~ s. 112.311, s. 112.313, ~~or~~ s.
435 112.3143, or additional or more stringent standards of conduct,

2014846e3

436 if any, adopted pursuant to s. 112.326. If there is, or appears
437 to be, a possible conflict under s. 112.311, s. 112.313, or s.
438 112.3143, the member shall comply with the disclosure
439 requirements of s. 112.3143. If the only conflict or possible
440 conflict is one arising from the additional or more stringent
441 standards adopted pursuant to s. 112.326, the member shall
442 comply with any disclosure requirements adopted pursuant to s.
443 112.326. If the official decision, ruling, or act occurs in the
444 context of a quasi-judicial proceeding, a member may abstain
445 from voting on such matter if the abstention is to assure a fair
446 proceeding free from potential bias or prejudice ~~In such cases,~~
447 ~~said member shall comply with the disclosure requirements of s.~~
448 ~~112.3143.~~

449 Section 8. Paragraph (c) of subsection (1) of section
450 288.901, Florida Statutes, is amended to read:

451 288.901 Enterprise Florida, Inc.—

452 (1) CREATION.—

453 (c) The president, senior managers, and members of the
454 board of directors of Enterprise Florida, Inc., are subject to
455 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
456 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10),
457 (12), and (15); 112.3135; and 112.3143(2) to activities of the
458 president, senior managers, and members of the board of
459 directors, those persons shall be considered public officers or
460 employees and the corporation shall be considered their agency.
461 ~~The Legislature determines that it is in the public interest for~~
462 ~~the members of Enterprise Florida, Inc., board of directors to~~
463 ~~be subject to the requirements of ss. 112.3135, 112.3143(2), and~~
464 ~~112.313, excluding s. 112.313(2), notwithstanding the fact that~~

2014846e3

465 ~~the board members are not public officers or employees. For~~
466 ~~purposes of those sections, the board members shall be~~
467 ~~considered to be public officers or employees.~~ The exemption set
468 forth in s. 112.313(12) for advisory boards applies to the
469 members of Enterprise Florida, Inc., board of directors.
470 Further, each member of the board of directors who is not
471 otherwise required to file financial disclosures pursuant to s.
472 8, Art. II of the State Constitution or s. 112.3144, shall file
473 disclosure of financial interests pursuant to s. 112.3145.

474 Section 9. Paragraph (b) of subsection (2) of section
475 288.92, Florida Statutes, is redesignated as paragraph (c), and
476 a new paragraph (b) is added to that subsection, to read:

477 288.92 Divisions of Enterprise Florida, Inc.—

478 (2)

479 (b)1. The following officers and board members are subject
480 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
481 112.3143(2):

482 a. Officers and members of the board of directors of the
483 divisions of Enterprise Florida, Inc.

484 b. Officers and members of the board of directors of
485 subsidiaries of Enterprise Florida, Inc.

486 c. Officers and members of the board of directors of
487 corporations created to carry out the missions of Enterprise
488 Florida, Inc.

489 d. Officers and members of the board of directors of
490 corporations with which a division is required by law to
491 contract to carry out its missions.

492 2. For purposes of applying ss. 112.313(1)-(8), (10), (12),
493 and (15); 112.3135; and 112.3143(2) to activities of the

2014846e3

494 officers and members of the board of directors specified in
495 subparagraph 1., those persons shall be considered public
496 officers or employees and the corporation shall be considered
497 their agency.

498 3. It is not a violation of s. 112.3143(2) or 112.3143(4)
499 for the officers or members of the board of directors of the
500 Florida Tourism Industry Marketing Corporation to:

501 a. Vote on the 4-year marketing plan required under s.
502 288.923 or vote on any individual component of or amendment to
503 the plan.

504 b. Participate in the establishment or calculation of
505 payments related to the private match requirements of s.
506 288.904(3). The officer or member must file an annual disclosure
507 describing the nature of his or her interests or the interests
508 of his or her principals, including corporate parents and
509 subsidiaries of his or her principal, in the private match
510 requirements. This annual disclosure requirement satisfies the
511 disclosure requirement of s. 112.3143(4). This disclosure must
512 be placed either on the Florida Tourism Industry Marketing
513 Corporation's website or included in the minutes of each meeting
514 of the Florida Tourism Industry Marketing Corporation's board of
515 directors at which the private match requirements are discussed
516 or voted upon.

517 Section 10. Paragraph (a) of subsection (3) of section
518 288.9604, Florida Statutes, is amended to read:

519 288.9604 Creation of the authority.—

520 (3) (a) 1. A director may not ~~shall~~ receive ~~no~~ compensation
521 for his or her services, but is entitled to ~~the~~ necessary
522 expenses, including travel expenses, incurred in the discharge

2014846e3

523 of his or her duties. Each director shall hold office until his
524 or her successor has been appointed.

525 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
526 and (15); 112.3135; and 112.3143(2). For purposes of applying
527 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
528 112.3143(2) to activities of directors, directors shall be
529 considered public officers and the corporation shall be
530 considered their agency.

531 Section 11. Subsection (5) is added to section 348.0003,
532 Florida Statutes, to read:

533 348.0003 Expressway authority; formation; membership.—

534 (5) In a county as defined in s. 125.011(1):

535 (a) A lobbyist, as defined in s. 112.3215, may not be
536 appointed or serve as a member of an authority.

537 (b) A member or the executive director of an authority may
538 not:

539 1. Personally represent another person or entity for
540 compensation before the authority for a period of 2 years after
541 vacation of his or her position.

542 2. After retirement or termination, have an employment or
543 contractual relationship with a business entity other than an
544 agency, as defined in s. 112.312, in connection with a contract
545 in which the member or executive director personally and
546 substantially participated through decision, approval,
547 disapproval, recommendation, rendering of advice, or
548 investigation while he or she was a member or employee of the
549 authority.

550 (c) The authority's general counsel shall serve as the
551 authority's ethics officer.

2014846e3

552 (d) Authority board members, employees, and consultants who
553 hold positions that may influence authority decisions shall
554 refrain from engaging in any relationship that may adversely
555 affect their judgment in carrying out authority business. To
556 prevent such conflicts of interest and preserve the integrity
557 and transparency of the authority to the public, the following
558 disclosures must be made annually on a disclosure form:

559 1. Any relationship that a board member, employee, or
560 consultant has which affords a current or future financial
561 benefit to such board member, employee, or consultant, or to a
562 relative or business associate of such board member, employee,
563 or consultant, and which a reasonable person would conclude has
564 the potential to create a prohibited conflict of interest. As
565 used in this subsection, the term "relative" has the same
566 meaning as provided in s. 112.312.

567 2. Whether a relative of such board member, employee, or
568 consultant is a registered lobbyist and, if so, the names of
569 such lobbyist's clients. Such names shall be provided in writing
570 to the ethics officer.

571 3. Any and all interests in real property that such board
572 member, employee, or consultant has, or that an immediate family
573 member of such board member, employee, or consultant has, if
574 such real property is located in, or within a 1/2-mile radius
575 of, any actual or prospective authority roadway project. The
576 executive director shall provide a corridor map and a property
577 ownership list reflecting the ownership of all real property
578 within the disclosure area, or an alignment map with a list of
579 associated owners, to all board members, employees, and
580 consultants.

2014846e3

581 (e) The disclosure forms filed as required under paragraph
582 (d) must be reviewed by the ethics officer or, if a form is
583 filed by the general counsel, by the executive director.

584 (f) The conflict of interest process shall be outlined in
585 the authority's code of ethics.

586 (g) Authority employees and consultants are prohibited from
587 serving on the governing body of the authority while employed by
588 or under contract with the authority.

589 (h) The code of ethics policy shall be reviewed and updated
590 by the ethics officer and presented for board approval at least
591 once every 2 years.

592 (i) Employees shall be adequately informed and trained on
593 the code of ethics and shall continually participate in ongoing
594 ethics education.

595 (j) The requirements of paragraphs (b)-(i) are in addition
596 to requirements that the members and the executive director of
597 the authority are required to follow under chapter 112.

598 (k) Violations of paragraphs (b), (d), and (g) are
599 punishable in accordance with s. 112.317.

600 Section 12. Paragraph (d) of subsection (6) of section
601 627.351, Florida Statutes, is amended to read:

602 627.351 Insurance risk apportionment plans.—

603 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

604 (d)1. All prospective employees for senior management
605 positions, as defined by the plan of operation, are subject to
606 background checks as a prerequisite for employment. The office
607 shall conduct the background checks pursuant to ss. 624.34,
608 624.404(3), and 628.261.

609 2. On or before July 1 of each year, employees of the

2014846e3

610 corporation must sign and submit a statement attesting that they
611 do not have a conflict of interest, as defined in part III of
612 chapter 112. As a condition of employment, all prospective
613 employees must sign and submit to the corporation a conflict-of-
614 interest statement.

615 3. The executive director, senior managers, and members of
616 the board of governors are subject to part III of chapter 112,
617 including, but not limited to, the code of ethics and public
618 disclosure and reporting of financial interests, pursuant to s.
619 112.3145. For purposes of applying part III of chapter 112 to
620 activities of the executive director, senior managers, and
621 members of the board of governors, those persons shall be
622 considered public officers or employees and the corporation
623 shall be considered their agency. Notwithstanding s.
624 112.3143(2), a board member may not vote on any measure that
625 would inure to his or her special private gain or loss; that he
626 or she knows would inure to the special private gain or loss of
627 any principal by whom he or she is retained or to the parent
628 organization or subsidiary of a corporate principal by which he
629 or she is retained, other than an agency as defined in s.
630 112.312; or that he or she knows would inure to the special
631 private gain or loss of a relative or business associate of the
632 public officer. Before the vote is taken, such member shall
633 publicly state to the assembly the nature of his or her interest
634 in the matter from which he or she is abstaining from voting
635 and, within 15 days after the vote occurs, disclose the nature
636 of his or her interest as a public record in a memorandum filed
637 with the person responsible for recording the minutes of the
638 meeting, who shall incorporate the memorandum in the minutes.

2014846e3

639 Senior managers and board members are also required to file such
640 disclosures with the Commission on Ethics and the Office of
641 Insurance Regulation. The executive director of the corporation
642 or his or her designee shall notify each existing and newly
643 appointed member of the board of governors and senior managers
644 of their duty to comply with the reporting requirements of part
645 III of chapter 112. At least quarterly, the executive director
646 or his or her designee shall submit to the Commission on Ethics
647 a list of names of the senior managers and members of the board
648 of governors who are subject to the public disclosure
649 requirements under s. 112.3145.

650 4. Notwithstanding s. 112.3148, ~~or~~ s. 112.3149, or any
651 other provision of law, an employee or board member may not
652 knowingly accept, directly or indirectly, any gift or
653 expenditure from a person or entity, or an employee or
654 representative of such person or entity, which has a contractual
655 relationship with the corporation or who is under consideration
656 for a contract. An employee or board member who fails to comply
657 with subparagraph 3. or this subparagraph is subject to
658 penalties provided under ss. 112.317 and 112.3173.

659 5. Any senior manager of the corporation who is employed on
660 or after January 1, 2007, regardless of the date of hire, who
661 subsequently retires or terminates employment is prohibited from
662 representing another person or entity before the corporation for
663 2 years after retirement or termination of employment from the
664 corporation.

665 6. The executive director, members of the board of
666 governors, and ~~Any senior managers manager~~ of the corporation
667 are who is employed on or after January 1, 2007, regardless of

2014846e3

668 ~~the date of hire, who subsequently retires or terminates~~
669 ~~employment is~~ prohibited from having any employment or
670 contractual relationship for 2 years after retirement from or
671 termination of service to the corporation with an insurer that
672 has entered into a take-out bonus agreement with the
673 corporation.

674 Section 13. This act shall take effect July 1, 2014.