

By Senator Joyner

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1                                   A bill to be entitled  
 2           An act relating to boards and commissions; amending  
 3           ss. 106.24, 112.313, and 112.321, F.S.; prohibiting  
 4           members of the Florida Elections Commission, citizen  
 5           members of the Board of Governors of the State  
 6           University System and boards of trustees of local  
 7           constituent universities, and members of the  
 8           Commission on Ethics, respectively, from having or  
 9           holding any employment or a contractual relationship  
 10          as a consultant; providing exceptions; requiring  
 11          members to make specified disclosures to the  
 12          appropriate board or commission if certain conditions  
 13          exist; requiring applicable boards and commissions to  
 14          post such disclosures on their respective websites for  
 15          a specified timeframe; amending s. 112.312, F.S.;  
 16          defining the term "consultant"; amending s. 1001.421,  
 17          F.S.; conforming cross-references; providing an  
 18          effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Paragraph (b) of subsection (1) of section  
 23           106.24, Florida Statutes, is amended to read:  
 24           106.24 Florida Elections Commission; membership; powers;  
 25           duties.—

26           (1)

27           (b)1. The commission is ~~shall be~~ composed of nine members.  
 28           The President of the Senate, the Speaker of the House of  
 29           Representatives, the minority leader of the Senate, and the  
 30           minority leader of the House of Representatives shall each  
 31           provide a list of six nominees to the Governor for initial  
 32           appointment to the commission. The Governor may appoint two

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33 members to the commission from each list. If the Governor  
34 refuses to appoint two members from any of the respective lists,  
35 the Governor shall ~~se~~ inform the nominating officer and the  
36 nominating officer shall submit a new list of six nominees  
37 within 30 days. The new list must contain at least three  
38 nominees not included on the prior nominating list. The ninth  
39 commission member, who shall serve as chair of the commission,  
40 shall be appointed by the Governor. Each member of the  
41 commission is subject to confirmation by the Senate. The chair  
42 of the commission shall serve for a maximum term of 4 years,  
43 with such term running ~~such term to run~~ concurrently with the  
44 term of the appointing Governor and until a future successor is  
45 appointed. Other members of the commission shall serve for 4-  
46 year terms and until their successors are appointed.

47 2. A member may not:

48 a. Be ~~An individual who is~~ a lobbyist at the state or local  
49 government level ~~may not serve as a member of the commission,~~  
50 ~~except that this prohibition shall not apply to an individual~~  
51 ~~who is a member of the commission on July 1, 2002, until the~~  
52 ~~expiration of his or her current term.~~

53 b. Lobby ~~A member of the commission is prohibited from~~  
54 ~~lobbying~~ state or local government while he or she is a member  
55 of the commission, ~~except that this prohibition shall not apply~~  
56 ~~to an individual who is a member of the commission on July 1,~~  
57 ~~2002, until the expiration of his or her current term.~~

58 c. Have or hold any employment or a contractual  
59 relationship as a consultant, except that this prohibition does  
60 not apply to an individual who is a member of the commission on  
61 July 1, 2016, unless he or she is reappointed to that office on

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62 or after July 1, 2016. For purposes of this sub-subparagraph and  
63 subparagraph 3., the term "consultant" has the same meaning as  
64 in s. 112.312.

65 3. If applicable, a member shall disclose to the  
66 commission, which shall post such disclosure on its website for  
67 at least the duration of the disclosing member's service on the  
68 commission:

69 a. That he or she has or holds any employment or a  
70 contractual relationship as a consultant in another state, or is  
71 a lobbyist regulated by the laws of another state.

72 b. That he or she has or holds any employment or a  
73 contractual relationship as a consultant in this state, as is  
74 authorized for an individual who is a member of the commission  
75 on July 1, 2016, unless he or she is reappointed to that office  
76 on or after July 1, 2016.

77 c. The identity of any relative, as that term is defined in  
78 s. 112.3143, who is registered as a lobbyist pursuant to s.  
79 11.045, s. 112.3215, or any local government charter or  
80 ordinance or who has or holds any employment or a contractual  
81 relationship as a consultant.

82 Section 2. Present subsections (9) through (24) of section  
83 112.312, Florida Statutes, are renumbered as subsections (10)  
84 through (25), respectively, and a new subsection (9) is added to  
85 that section, to read:

86 112.312 Definitions.—As used in this part and for purposes  
87 of the provisions of s. 8, Art. II of the State Constitution,  
88 unless the context otherwise requires:

89 (9) "Consultant" means a public officer or public employee  
90 who has or holds any employment or a contractual relationship

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91 with a business entity for purposes of providing support,  
92 preparing recommendations, preparing any part of a purchase  
93 request, establishing specifications and procurement standards,  
94 rendering advice, investigating, or performing an audit in  
95 furtherance of the business entity's efforts to be awarded or to  
96 perform a contract to sell goods, realty, or services to the  
97 executive branch, judicial branch, or legislative branch of  
98 state government or any other political subdivision.

99 Section 3. Subsection (17) of section 112.313, Florida  
100 Statutes, is amended to read:

101 112.313 Standards of conduct for public officers, employees  
102 of agencies, and local government attorneys.—

103 (17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—

104 (a) A ~~Ne~~ citizen member of the Board of Governors of the  
105 State University System, or a ~~nor any~~ citizen member of a board  
106 of trustees of a local constituent university, may not shall  
107 have or hold any employment or contractual relationship as:

108 1. A legislative lobbyist subject to ~~requiring~~ annual  
109 registration and reporting requirements under ~~pursuant to~~ s.  
110 11.045; or

111 2. A consultant to a business entity doing, or seeking to  
112 do, business with the Legislature, except that this prohibition  
113 does not apply to an individual who is a member of any such  
114 board on July 1, 2016, unless he or she is reappointed to that  
115 office on or after July 1, 2016.

116 (b) A citizen member of the Board of Governors of the State  
117 University System, or a citizen member of a board of trustees of  
118 a local constituent university, shall disclose to his or her  
119 respective board:

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- 120       1. That he or she has or holds any employment or  
 121 contractual relationship as:  
 122       a. An executive branch lobbyist subject to annual  
 123 registration and reporting requirements under s. 112.3215;  
 124       b. A consultant for a business entity that does, or is  
 125 seeking to do, business with an agency of the executive branch  
 126 or a unit of local government or other political subdivision;  
 127       c. A registered lobbyist as provided by any local  
 128 government charter or ordinance;  
 129       d. A lobbyist regulated under the laws of another state;  
 130       e. A consultant in another state; or  
 131       f. A consultant for a business entity that does, or is  
 132 seeking to do, business with the Legislature, as is authorized  
 133 for an individual who is a citizen member of the Board of  
 134 Governors or a board of trustees on July 1, 2016, unless he or  
 135 she is reappointed to that office on or after July 1, 2016.  
 136       2. The identity of any relative, as that term is defined in  
 137 s. 112.3143, who is registered as a lobbyist pursuant to s.  
 138 11.045, s. 112.3215, or any local government charter or  
 139 ordinance, or who has or holds any employment or contractual  
 140 relationship as a consultant.

141  
 142 The applicable board shall post a disclosure required by this  
 143 paragraph on its website for at least the duration of the  
 144 disclosing member's service on the board.

145       Section 4. Subsection (1) of section 112.321, Florida  
 146 Statutes, is amended to read:

147       112.321 Membership, terms; travel expenses; staff.—

148       (1) The commission is ~~shall be~~ composed of nine members,

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149 each of whom shall serve a 2-year term.

150 (a) Five of these members shall be appointed by the  
 151 Governor, no more than three of whom shall be from the same  
 152 political party, subject to confirmation by the Senate. One  
 153 member appointed by the Governor must shall be a former city or  
 154 county official and may be a former member of a local planning  
 155 or zoning board that which has only advisory duties.

156 (b) The President of the Senate and the Speaker of the  
 157 House of Representatives shall each appoint two members, who may  
 158 not be shall be appointed by the Speaker of the House of  
 159 Representatives, and two members shall be appointed by the  
 160 President of the Senate. Neither the Speaker of the House of  
 161 Representatives nor the President of the Senate shall appoint  
 162 more than one member from the same political party.

163 (c) Of the nine members of the commission, no more than  
 164 five members may shall be from the same political party at any  
 165 one time. In addition, a No member may not:

166 1. Hold any public employment.

167 2. Serve on the commission if he or she ~~An individual who~~  
 168 ~~qualifies as a lobbyist pursuant to s. 11.045, or s. 112.3215,~~  
 169 ~~or pursuant to any local government charter or ordinance may not~~  
 170 ~~serve as a member of the commission, except that this~~  
 171 ~~prohibition does not apply to an individual who is a member of~~  
 172 ~~the commission on July 1, 2006, until the expiration of his or~~  
 173 ~~her current term.~~

174 3. A member of the commission may not Lobby any state or  
 175 local governmental entity as provided in s. 11.045 or s.  
 176 112.3215 or as provided by any local government charter or  
 177 ordinance, ~~except that this prohibition does not apply to an~~

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178 ~~individual who is a member of the commission on July 1, 2006,~~  
179 ~~until the expiration of his or her current term. All members~~  
180 ~~shall serve 2-year terms.~~

181 4. Have or hold any employment or a contractual  
182 relationship as a consultant, except that this prohibition does  
183 not apply to an individual who is a member of the commission on  
184 July 1, 2016, unless he or she is reappointed to that office on  
185 or after July 1, 2016.

186 5. A member may not Serve more than two full terms in  
187 succession.

188 (d) Any member of the commission may be removed for cause  
189 by majority vote of the Governor, the President of the Senate,  
190 the Speaker of the House of Representatives, and the Chief  
191 Justice of the Supreme Court.

192 (e) If applicable, a member shall disclose to the  
193 commission:

194 1. That he or she has or holds any employment or a  
195 contractual relationship as a consultant in another state, or is  
196 a lobbyist regulated by the laws of another state.

197 2. That he or she has or holds any employment or a  
198 contractual relationship as a consultant in this state, as is  
199 authorized for an individual who is a member of the commission  
200 on July 1, 2016, unless he or she is reappointed to that office  
201 on or after July 1, 2016.

202 3. The identity of any relative, as that term is defined in  
203 s. 112.3143, who is registered as a lobbyist pursuant to s.  
204 11.045, s. 112.3215, or any local government charter or  
205 ordinance or has or holds any employment or a contractual  
206 relationship as a consultant.

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208 The commission shall post a disclosure required by this  
209 paragraph on its website for at least the duration of the  
210 disclosing member's service on the commission.

211 Section 5. Section 1001.421, Florida Statutes, is amended  
212 to read:

213 1001.421 Gifts.—Notwithstanding any other provision of law  
214 to the contrary, district school board members and their  
215 relatives, as defined in s. 112.312(22) ~~s. 112.312(21)~~, may not  
216 directly or indirectly solicit any gift, or directly or  
217 indirectly accept any gift in excess of \$50, from any person,  
218 vendor, potential vendor, or other entity doing business with  
219 the school district. The term "gift" has the same meaning as in  
220 s. 112.312(13) ~~s. 112.312(12)~~.

221 Section 6. This act shall take effect July 1, 2016.