

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.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 1188

INTRODUCER: Senators Altman and Richter

SUBJECT: Representatives of Military Installations Who Serve on Land Planning or Zoning Boards

DATE: January 21, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Favorable
2.	Carlton	Roberts	EE	Favorable
3.			RC	

I. Summary:

SB 1188 provides that a representative of a military installation is not required to file an annual statement of financial interests (“CE Form 1”) due solely to service on a local land planning or zoning board.

II. Present Situation:

Military Representation on Local Planning or Zoning Board

Section 163.3175(2), F.S., identifies the major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others, and also identifies the local governments proximate to these installations that are required to address compatibility of land development with military installations in their comprehensive plans.¹ The Community Planning Act recognizes the importance of local governments cooperating with military installations to encourage compatible land use and facilitate the continued presence of major military installations in this state.² As of July 1, 2014, all affected local governments have adopted the required comprehensive plan amendments to include criteria addressing compatibility of lands adjacent or closely proximate to military installations.³

To facilitate the exchange of information, a representative from the military acting on behalf of all military installations within that jurisdiction shall be included as an ex officio, nonvoting member of the county's or affected local government's land planning or zoning board.⁴

¹ Florida Department of Economic Opportunity, *Military Bases-Military Base Encroachment*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/military-base-encroachment> (last visited January 12, 2016).

² *Id.*

³ *Id.*

⁴ Section 163.3175(7), F.S.

Financial Disclosure

Under s. 112.3145, F.S., local officers are required to file an annual statement of financial interests (“CE Form 1”) no later than July 1 of each year.⁵ “Local officer” is defined by statute, and includes those serving on a planning or zoning board.⁶ There is no exclusion for ex officio, non-voting members of these boards. Local officers are required to file CE Form 1 with the supervisor of elections in the county in which they permanently reside.^{7,8} CE Form 1 gives the filer the option of using reporting thresholds that are absolute dollar values, or using comparative thresholds (percentages).⁹ The form requires reporting of gross income, secondary sources of income, real property in Florida, intangible personal property, liabilities, and interests in specified businesses.¹⁰ The CE Form 1, though sufficient to give the public notice of potential conflicts, is less detailed than the “Form 6” financial disclosure form that members of the Legislature are required to file.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3175(7), F.S., to provide that a representative of a military installation is not required to file an annual CE Form 1 pursuant to s. 112.3145, F.S., due solely to service on a local land planning or zoning board. If such a representative is a public officer or employee in another capacity that is also subject to the annual Form 1 requirement, this bill does not relieve him or her from that obligation. Notwithstanding this change, such a military representative will continue to be a public officer for purposes of the applicable standards of conduct in the Code of Ethics for Public Officers and Employees.¹¹

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁵ Local officers are also required to file within 60 days of termination, and within 30 days of start date; Section 112.3145, F.S.

⁶ Section 112.3145(1)(a)(d), F.S.

⁷ Florida Commission on Ethics, *Filing Information*, available at http://www.ethics.state.fl.us/Documents/Forms/Form1.html#form_1 (last visited January 12, 2016).

⁸ Section 112.3145(2)(c), F.S.

⁹ Justice Administrative Commission, Florida’s Financial Disclosure Requirements at 9, available at <https://www.justiceadmin.org/HR/2015%20JAC%20-%20Print%20Copy.pdf> (last visited January 12, 2016).

¹⁰ *Id.* at 10-12.

¹¹ Part III, Ch. 112, Florida Statutes.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Commission on Ethics has expressed concerns about the effective date of July 1, 2016. If passed, the bill would become law on the 2015 financial disclosure due date. The Commission's 2015 CE Form 1 has already been printed and made available to public officers and employees. Those forms would not be able to be changed to reflect the changes made by this bill. Additionally, the Commission is concerned about potential confusion over which filers would have to file. The list of financial disclosure filers will be completed and entered into the financial disclosure system by May 15, 2016. There is no method in the financial disclosure system to identify and flag this type of filer. As a result, some of those filers may not be removed from the system prior to the Form 1 due date. The Commission would have limited time to educate the filers and coordinators about the change in law.¹²

VIII. Statutes Affected:

This bill substantially amends section 163.3175 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.)

None.

¹² Commission on Ethics, *Senate Bill 1188 Fiscal Analysis* (Jan. 6, 2016) (on file with the Senate Committee on Ethics and Elections).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
