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LEGISLATIVE ACTION

Senate

House

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Floor: NC/2R

03/08/2016 10:22 AM

Senator Clemens moved the following:

Senate Amendment (with title amendment)

Before line 35

insert:

Section 1. Subsection (2) and present subsection (3) of section 112.3143, Florida Statutes, are amended, and present subsections (4), (5), and (6) of that section are renumbered as subsections (3), (4), and (5), respectively, to read:

112.3143 Voting conflicts.—

(2) (a) A state, county, municipal, or other local public officer may not vote on any matter that the officer knows would



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12 ~~inure to his or her special private gain or loss. Any state~~
13 ~~public officer who abstains from voting~~ in an official capacity
14 upon any measure that the officer knows would inure to his or
15 her ~~the officer's~~ special private gain or loss; ~~or who votes in~~
16 ~~an official capacity on a measure that he or she knows would~~
17 inure to the special private gain or loss of any principal by
18 whom the officer is retained or to the parent organization or
19 subsidiary of a corporate principal by which the officer is
20 retained other than an agency as defined in s. 112.312(2); or
21 that which the officer knows would inure to the special private
22 gain or loss of a relative or business associate of the public
23 officer. Such public officer shall, before the vote being taken,
24 publicly state to the assembly the nature of the officer's
25 interest in the matter from which he or she is abstaining from
26 voting and, within 15 days after the vote occurs, shall make
27 ~~every reasonable effort to~~ disclose the nature of his or her
28 interest as a public record in a memorandum filed with the
29 person responsible for recording the minutes of the meeting, who
30 shall incorporate the memorandum in the minutes. ~~If it is not~~
31 ~~possible for the state public officer to file a memorandum~~
32 ~~before the vote, the memorandum must be filed with the person~~
33 ~~responsible for recording the minutes of the meeting no later~~
34 ~~than 15 days after the vote.~~

35 (b) A member of the Legislature may satisfy the disclosure
36 requirements of this section by filing a disclosure form created
37 pursuant to the rules of the member's respective house if the
38 member discloses the information required by this subsection.

39 ~~(3)(a) No county, municipal, or other local public officer~~
40 ~~shall vote in an official capacity upon any measure which would~~



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41 ~~inure to his or her special private gain or loss; which he or~~
42 ~~she knows would inure to the special private gain or loss of any~~
43 ~~principal by whom he or she is retained or to the parent~~
44 ~~organization or subsidiary of a corporate principal by which he~~
45 ~~or she is retained, other than an agency as defined in s.~~
46 ~~112.312(2); or which he or she knows would inure to the special~~
47 ~~private gain or loss of a relative or business associate of the~~
48 ~~public officer. Such public officer shall, prior to the vote~~
49 ~~being taken, publicly state to the assembly the nature of the~~
50 ~~officer's interest in the matter from which he or she is~~
51 ~~abstaining from voting and, within 15 days after the vote~~
52 ~~occurs, disclose the nature of his or her interest as a public~~
53 ~~record in a memorandum filed with the person responsible for~~
54 ~~recording the minutes of the meeting, who shall incorporate the~~
55 ~~memorandum in the minutes.~~

56 ~~(c)(b)~~ However, a commissioner of a community redevelopment
57 agency created or designated pursuant to s. 163.356 or s.
58 163.357, or an officer of an independent special tax district
59 elected on a one-acre, one-vote basis, is not prohibited from
60 voting, when voting in said capacity.

61 Section 2. Paragraph (b) of subsection (2) of section
62 288.92, Florida Statutes, is amended to read:

63 288.92 Divisions of Enterprise Florida, Inc.—

64 (2)

65 (b)1. The following officers and board members are subject
66 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
67 112.3143(2):

68 a. Officers and members of the board of directors of the
69 divisions of Enterprise Florida, Inc.



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70 b. Officers and members of the board of directors of
71 subsidiaries of Enterprise Florida, Inc.

72 c. Officers and members of the board of directors of
73 corporations created to carry out the missions of Enterprise
74 Florida, Inc.

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

78 2. For purposes of applying ss. 112.313(1)-(8), (10), (12),
79 and (15); 112.3135; and 112.3143(2) to activities of the
80 officers and members of the board of directors specified in
81 subparagraph 1., those persons shall be considered public
82 officers or employees and the corporation shall be considered
83 their agency.

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

87 a. Vote on the 4-year marketing plan required under s.
88 288.923 or vote on any individual component of or amendment to
89 the plan.

90 b. Participate in the establishment or calculation of
91 payments related to the private match requirements of s.
92 288.904(3). The officer or member must file an annual disclosure
93 describing the nature of his or her interests or the interests
94 of his or her principals, including corporate parents and
95 subsidiaries of his or her principal, in the private match
96 requirements. This annual disclosure requirement satisfies the
97 disclosure requirement of s. 112.3143(3) ~~s. 112.3143(4)~~. This
98 disclosure must be placed either on the Florida Tourism Industry



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99 Marketing Corporation's website or included in the minutes of
100 each meeting of the Florida Tourism Industry Marketing
101 Corporation's board of directors at which the private match
102 requirements are discussed or voted upon.

103 Section 3. Paragraph (c) of subsection (1) of section
104 310.151, Florida Statutes, is amended to read:

105 310.151 Rates of pilotage; Pilotage Rate Review Committee.—

106 (1)

107 (c) Committee members shall comply with the disclosure
108 requirements of s. 112.3143(3) ~~s. 112.3143(4)~~ if participating
109 in any matter that would result in special private gain or loss
110 as described in that subsection.

111 Section 4. Paragraph (a) of subsection (26) of section
112 1002.33, Florida Statutes, is amended to read:

113 1002.33 Charter schools.—

114 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

115 (a) A member of a governing board of a charter school,
116 including a charter school operated by a private entity, is
117 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(2)
118 ~~112.3143(3)~~.

119 Section 5. Subsection (8) of section 1002.83, Florida
120 Statutes, is amended to read:

121 1002.83 Early learning coalitions.—

122 (8) Each member of an early learning coalition is subject
123 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
124 112.3143(2) (a) ~~s. 112.3143(3) (a)~~, each voting member is a local
125 public officer who must abstain from voting when a voting
126 conflict exists.

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128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130 Between lines 2 and 3

131 insert:

132 112.3143, F.S.; revising the circumstances under which
133 a state public officer may not vote in an official
134 capacity on a measure that would inure to the
135 officer's special private gain or loss, or that of the
136 officer's principal, relative, or business associate;
137 revising the manner in which a state public officer is
138 required to disclose the conflict; amending ss.
139 288.92, 310.151, 1002.33, and 1002.83, F.S.;
140 conforming cross-references; amending s.