

1 A bill to be entitled
2 An act relating to local government ethics reform;
3 amending s. 112.313, F.S.; providing that contractual
4 relationships held by business entities are deemed
5 held by public officers or employees in certain
6 situations; amending s. 112.3142, F.S.; requiring
7 certain ethics training for governing board members of
8 special districts and water management districts;
9 authorizing certain continuing education to satisfy
10 the ethics training requirement; removing a
11 requirement that the Commission on Ethics adopt
12 certain rules relating to ethics training class course
13 content; providing training course content
14 requirements; encouraging training providers to seek
15 accreditation; amending s. 112.3143, F.S.; prohibiting
16 governing board members of special districts or school
17 districts from voting in an official capacity on
18 specified matters; prohibiting county, municipal, or
19 other local public officers or governing board members
20 of special districts or school districts from
21 participating in specified matters; amending s.
22 112.3144, F.S.; requiring certain mayors and members
23 of the governing body of a municipality to file a
24 full and public disclosure of financial interests;
25 providing disclosure requirements; amending s.

26 | 112.3145, F.S.; providing disclosure requirements for
 27 | disclosures of financial interests; providing
 28 | applicability; amending s. 218.32, F.S.; requiring the
 29 | Department of Financial Services to file an annual
 30 | report with the Legislature and commission by a
 31 | specified date; declaring that the act fulfills an
 32 | important state interest; providing an effective date.
 33 |

34 | Be It Enacted by the Legislature of the State of Florida:
 35 |

36 | Section 1. Subsection (7) of section 112.313, Florida
 37 | Statutes, is amended to read:

38 | 112.313 Standards of conduct for public officers,
 39 | employees of agencies, and local government attorneys.—

40 | (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

41 | (a) A ~~No~~ public officer or employee of an agency may not
 42 | ~~shall~~ have or hold any employment or contractual relationship
 43 | with any business entity or any agency that ~~which~~ is subject to
 44 | the regulation of, or is doing business with, an agency of which
 45 | he or she is an officer or employee, excluding those
 46 | organizations and their officers who, when acting in their
 47 | official capacity, enter into or negotiate a collective
 48 | bargaining contract with the state or any municipality, county,
 49 | or other political subdivision of the state.; ~~nor shall~~ An
 50 | officer or employee of an agency may not have or hold any

51 employment or contractual relationship that will create a
52 continuing or frequently recurring conflict between his or her
53 private interests and the performance of his or her public
54 duties or that would impede the full and faithful discharge of
55 his or her public duties. For purposes of this subsection, if a
56 public officer or employee of an agency holds a material
57 interest in a business entity other than a publicly traded
58 entity, or is an officer, director, or member who manages such
59 an entity, contractual relationships held by the business entity
60 are deemed to be held by the public officer or employee.

61 1. When the agency referred to is a ~~that certain kind of~~
62 special tax district created by general or special law and is
63 limited specifically to constructing, maintaining, managing, and
64 financing improvements in the land area over which the agency
65 has jurisdiction, or when the agency has been organized under
66 ~~pursuant to~~ chapter 298, ~~then~~ employment with, or entering into
67 a contractual relationship with, such a business entity by a
68 public officer or employee of such an agency is ~~shall~~ not ~~be~~
69 prohibited by this subsection or ~~be~~ deemed a conflict per se.
70 However, conduct by such officer or employee that is prohibited
71 by, or otherwise frustrates the intent of, this section must
72 ~~shall~~ be deemed a conflict of interest in violation of the
73 standards of conduct set forth by this section.

74 2. When the agency referred to is a legislative body and
75 the regulatory power over the business entity resides in another

76 | agency, or when the regulatory power that ~~which~~ the legislative
 77 | body exercises over the business entity or agency is strictly
 78 | through the enactment of laws or ordinances, ~~then~~ employment or
 79 | a contractual relationship with such a business entity by a
 80 | public officer or employee of a legislative body is ~~shall~~ not ~~be~~
 81 | prohibited by this subsection or ~~be~~ deemed a conflict.

82 | (b) This subsection does ~~shall~~ not prohibit a public
 83 | officer or employee from practicing in a particular profession
 84 | or occupation when such practice by persons holding such public
 85 | office or employment is required or permitted by law or
 86 | ordinance.

87 | Section 2. Subsection (2) of section 112.3142, Florida
 88 | Statutes, is amended to read:

89 | 112.3142 Ethics training for specified constitutional
 90 | officers, elected municipal officers, ~~and~~ commissioners, and
 91 | members of a governing board of a special district or water
 92 | management district.-

93 | (2) (a) All constitutional officers must complete 4 hours
 94 | of ethics training each calendar year which addresses, at a
 95 | minimum, s. 8, Art. II of the State Constitution, the Code of
 96 | Ethics for Public Officers and Employees, and the public records
 97 | and public meetings laws of this state. ~~This requirement may be~~
 98 | ~~satisfied by completion of a continuing legal education class or~~
 99 | ~~other continuing professional education class, seminar, or~~
 100 | ~~presentation if the required subjects are covered.~~

101 (b) All elected municipal officers must complete 4 hours
102 of ethics training each calendar year which addresses, at a
103 minimum, s. 8, Art. II of the State Constitution, the Code of
104 Ethics for Public Officers and Employees, and the public records
105 and public meetings laws of this state. ~~This requirement may be~~
106 ~~satisfied by completion of a continuing legal education class or~~
107 ~~other continuing professional education class, seminar, or~~
108 ~~presentation if the required subjects are covered.~~

109 (c) Beginning January 1, 2022, all members of the
110 governing board of a special district or water management
111 district must complete 4 hours of ethics training each calendar
112 year which addresses, at a minimum, s. 8, Art. II of the State
113 Constitution, the Code of Ethics for Public Officers and
114 Employees, and the public records and public meetings laws of
115 this state.

116 (d) The requirements specified in paragraphs (a), (b), and
117 (c) may be satisfied by completion of a continuing legal
118 education class or other continuing professional education
119 class, seminar, or presentation if the required subject material
120 is covered by the class.

121 (e)-(e) Beginning January 1, 2020, each commissioner of a
122 community redevelopment agency created under part III of chapter
123 163 must complete 4 hours of ethics training each calendar year
124 which addresses, at a minimum, s. 8, Art. II of the State
125 Constitution, the Code of Ethics for Public Officers and

126 Employees, and the public records and public meetings laws of
127 this state. This requirement may be satisfied by completion of a
128 continuing legal education class or other continuing
129 professional education class, seminar, or presentation, if the
130 required subject material is covered by the class.

131 ~~(f)(d) The commission shall adopt rules establishing~~
132 ~~minimum~~ Course content for the portion of an ethics training
133 class which addresses s. 8, Art. II of the State Constitution
134 and the Code of Ethics for Public Officers and Employees must
135 include one or more of the following:

- 136 1. Doing business with one's own agency;
- 137 2. Conflicting employment or contractual relationships;
- 138 3. Misuse of position;
- 139 4. Disclosure or use of certain information;
- 140 5. Gifts and honoraria, including solicitation and
141 acceptance of gifts, and unauthorized compensation;
- 142 6. Post-officeholding restrictions;
- 143 7. Restrictions on the employment of relatives;
- 144 8. Voting conflicts if the officer, commissioner, or
145 member of a governing body is a member of a collegial body and
146 votes in his or her official capacity;
- 147 9. Financial disclosure requirements, including the
148 automatic fine that can be imposed and the appeal process;
- 149 10. Commission procedures on ethics complaints and
150 referrals; or

151 11. The importance of and the process for obtaining
 152 advisory opinions rendered by the commission.

153 (g) Training providers are encouraged to seek
 154 accreditation from an applicable licensing body for courses
 155 offered under this subsection.

156 (h) ~~(e)~~ The Legislature intends that a constitutional
 157 officer, ~~or~~ elected municipal officer, or member of the
 158 governing board of a special district or water management
 159 district who is required to complete ethics training under
 160 ~~pursuant to~~ this section receive the required training as close
 161 as possible to the date that he or she assumes office. A
 162 constitutional officer, ~~or~~ elected municipal officer, or member
 163 of the governing board of a special district or water management
 164 district assuming a new office or new term of office on or
 165 before March 31 must complete the annual training on or before
 166 December 31 of the year in which the term of office began. A
 167 constitutional officer, ~~or~~ elected municipal officer, or member
 168 of the governing board of a special district or water management
 169 district assuming a new office or new term of office after March
 170 31 is not required to complete ethics training for the calendar
 171 year in which the term of office began.

172 Section 3. Subsections (3) and (4) of section 112.3143,
 173 Florida Statutes, are amended to read:

174 112.3143 Voting conflicts.—

175 (3) (a) A ~~No~~ county, municipal, or other local public

176 officer or governing board member of a special district or
177 school district may not ~~shall~~ vote in an official capacity upon
178 any measure which would inure to his or her special private gain
179 or loss; which he or she knows would inure to the special
180 private gain or loss of any principal by whom he or she is
181 retained or to the parent organization or subsidiary of a
182 corporate principal by which he or she is retained, other than
183 an agency as defined in s. 112.312(2); or which he or she knows
184 would inure to the special private gain or loss of a relative or
185 business associate of the public officer or board member. Such
186 public officer or board member must ~~shall~~, before ~~prior to~~ the
187 vote being taken, publicly state to the assembly the nature of
188 the officer's or board member's interest in the matter from
189 which he or she is abstaining from voting and, within 15 days
190 after the vote occurs, disclose the nature of his or her
191 interest as a public record in a memorandum filed with the
192 person responsible for recording the minutes of the meeting, who
193 shall incorporate the memorandum in the minutes.

194 (b) However, a commissioner of a community redevelopment
195 agency created or designated under ~~pursuant to~~ s. 163.356 or s.
196 163.357, or an officer of an independent special tax district
197 elected on a one-acre, one-vote basis, is not prohibited from
198 voting, when voting in said capacity.

199 (4) A county, municipal, or other local public officer;
200 governing board member of a special district or school district;

201 or ~~Ne~~ appointed public officer may not ~~shall~~ participate in any
202 matter which would inure to the officer's or board member's
203 special private gain or loss; which the officer or board member
204 knows would inure to the special private gain or loss of any
205 principal by whom he or she is retained or to the parent
206 organization or subsidiary of a corporate principal by which he
207 or she is retained; or which he or she knows would inure to the
208 special private gain or loss of a relative or business associate
209 of the public officer or board member, without first disclosing
210 the nature of his or her interest in the matter.

211 (a) Such disclosure, indicating the nature of the
212 conflict, must ~~shall~~ be made in a written memorandum filed with
213 the person responsible for recording the minutes of the meeting,
214 before ~~prior to~~ the meeting in which consideration of the matter
215 will take place, and ~~shall~~ be incorporated into the minutes. Any
216 such memorandum becomes ~~shall become~~ a public record upon filing
217 and must, ~~shall~~ immediately be provided to the other members of
218 the agency, and ~~shall be~~ read publicly at the next meeting held
219 subsequent to the filing of this written memorandum.

220 (b) In the event that disclosure has not been made before
221 ~~prior to~~ the meeting or that any conflict is unknown before
222 ~~prior to~~ the meeting, the disclosure must ~~shall~~ be made orally
223 at the meeting when it becomes known that a conflict exists. A
224 written memorandum disclosing the nature of the conflict must
225 ~~shall~~ then be filed within 15 days after the oral disclosure

226 with the person responsible for recording the minutes of the
227 meeting and ~~shall~~ be incorporated into the minutes of the
228 meeting at which the oral disclosure was made. Any such
229 memorandum becomes ~~shall become~~ a public record upon filing and
230 must, ~~shall~~ immediately be provided to the other members of the
231 agency, ~~and shall~~ be read publicly at the next meeting held
232 subsequent to the filing of this written memorandum.

233 (c) For purposes of this subsection, the term
234 "participate" means any attempt to influence the decision by
235 oral or written communication, whether made by the officer or
236 board member or at the officer's or board member's direction.

237 Section 4. Subsections (1) and (3) and paragraph (c) of
238 subsection (11) of section 112.3144, Florida Statutes, are
239 amended to read:

240 112.3144 Full and public disclosure of financial
241 interests.—

242 (1) (a) An officer or member who is required ~~by s. 8, Art.~~
243 ~~II of the State Constitution~~ to file a full and public
244 disclosure of ~~his or her~~ financial interests for any calendar or
245 fiscal year, or any other person required by law to file a
246 disclosure under this section, shall file that disclosure with
247 the Florida commission ~~on Ethics~~. ~~Additionally, an officer who~~
248 ~~is required to complete annual ethics training pursuant to s.~~
249 ~~112.3142 must certify on his or her full and public disclosure~~
250 ~~of financial interests that he or she has completed the required~~

251 ~~training.~~

252 (b) A member of an expressway authority, transportation
 253 authority, bridge authority, toll authority, or expressway
 254 agency created under ~~pursuant to~~ chapter 343, chapter 348, or
 255 any other general law shall comply with the applicable financial
 256 disclosure requirements of s. 8, Art. II of the State
 257 Constitution.

258 (c) Each member of the governing body of a large-hub
 259 commercial service airport, except for members required to
 260 comply with the financial disclosure requirements of s. 8, Art.
 261 II of the State Constitution, shall comply with the financial
 262 disclosure requirements of s. 112.3145(3). For purposes of this
 263 paragraph, the term "large-hub commercial service airport" means
 264 a publicly owned airport that has at least 1 percent of the
 265 annual passenger boardings in the United States as reported by
 266 the Federal Aviation Administration.

267 (d) Each elected mayor and member of the governing body of
 268 a municipality that had \$10 million or more in total revenue for
 269 the 3 consecutive fiscal years before the disclosure period,
 270 must file a full and public disclosure of financial interests
 271 with the commission. Each elected mayor and member of the
 272 governing body of such municipality must file a full and public
 273 disclosure of financial interests each year until the
 274 municipality's total revenue is less than \$10 million for the
 275 previous 3 consecutive fiscal years. For purposes of this

276 paragraph, the determination as to whether a municipality has
277 had \$10 million in revenue in the allotted time is based on the
278 verified report that the Department of Financial Services files
279 in accordance with s. 218.32(2). However, if a municipality has
280 not had its annual financial report verified in accordance with
281 s. 218.32(2) on or before November 30th of the year in which it
282 is due, it is presumed that the municipality generated at least
283 \$10 million or more in total revenue for that year. If an
284 unverified report is subsequently verified by the Department of
285 Financial Services, the verified report must be used in any
286 disclosure period beginning after the report is verified.

287 (e) An officer or member who is required to complete
288 annual ethics training under s. 112.3142 must certify on his or
289 her full and public disclosure of financial interests that he or
290 she has completed the required training. Beginning January 1,
291 2022, an officer or member who is required to complete annual
292 ethics training under s. 112.3142 must also provide the name of
293 the training provider on his or her full and public disclosure
294 of financial interests.

295 (3) An officer or member ~~A person~~ who is required,
296 ~~pursuant to s. 8, Art. II of the State Constitution,~~ to file a
297 full and public disclosure of financial interests and who has
298 filed a full and public disclosure of financial interests for
299 any calendar or fiscal year is not required to file a statement
300 of financial interests pursuant to s. 112.3145(2) and (3) for

301 the same year or for any part thereof notwithstanding any
302 requirement of this part. Until the electronic filing system
303 required by subsection (2) is implemented, if an incumbent in an
304 elective office has filed the full and public disclosure of
305 financial interests to qualify for election to the same office
306 or if a candidate for office holds another office subject to the
307 annual filing requirement, the qualifying officer shall forward
308 an electronic copy of the full and public disclosure of
309 financial interests to the commission no later than July 1. The
310 electronic copy of the full and public disclosure of financial
311 interests satisfies the annual disclosure requirement of this
312 section. A candidate who does not qualify until after the annual
313 full and public disclosure of financial interests has been filed
314 pursuant to this section shall file a copy of his or her
315 disclosure with the officer before whom he or she qualifies.

316 (11)

317 (c) For purposes of this subsection ~~section~~, an error or
318 omission is immaterial, inconsequential, or de minimis if the
319 original filing provided sufficient information for the public
320 to identify potential conflicts of interest. However, failure to
321 certify completion of annual ethics training required under s.
322 112.3142, or, beginning January 1, 2022, failure to disclose the
323 name of the training provider, does not constitute an
324 immaterial, inconsequential, or de minimis error or omission.

325 Section 5. Subsection (5) and paragraph (c) of subsection

326 (11) of section 112.3145, Florida Statutes, are amended to read:
327 112.3145 Disclosure of financial interests and clients
328 represented before agencies.—

329 (5) An officer who is required to complete annual ethics
330 training under ~~pursuant to~~ s. 112.3142 must certify on his or
331 her statement of financial interests that he or she has
332 completed the required training. Beginning January 1, 2022, an
333 officer or member who is required to complete annual ethics
334 training under s. 112.3142 must also provide the name of the
335 training provider on his or her statement of financial
336 interests.

337 (11)

338 (c) For purposes of this section, an error or omission is
339 immaterial, inconsequential, or de minimis if the original
340 filing provided sufficient information for the public to
341 identify potential conflicts of interest. However, failure to
342 certify completion of annual ethics training required under s.
343 112.3142, or, beginning January 1, 2022, failure to disclose the
344 name of the training provider, does not constitute an
345 immaterial, inconsequential, or de minimis error or omission.

346 Section 6. The amendments made by this act to ss. 112.3144
347 and 112.3145, Florida Statutes, apply to disclosures filed for
348 the 2021 calendar year and all subsequent calendar years.

349 Section 7. Subsection (3) of section 218.32, Florida
350 Statutes, is renumbered as subsection (4), and a new subsection

351 (3) is added to that section to read:

352 218.32 Annual financial reports; local governmental
353 entities.—

354 (3) The department shall annually by December 1 file a
355 verified report with the Legislature and the Commission on
356 Ethics showing the total revenues for each municipality in each
357 of the 3 previous fiscal years and whether the municipality
358 timely filed its annual financial report in accordance with this
359 section. The report must also indicate each municipality that
360 does not have a verified annual financial report in each such
361 year.

362 Section 8. The Legislature finds that a proper and
363 legitimate state purpose is served when mechanisms are
364 established to secure and sustain the public's trust in public
365 officers and employees. Therefore, the Legislature determines
366 and declares that this act fulfills an important state interest.

367 Section 9. This act shall take effect July 1, 2021.