

By the Committee on Governmental Oversight and Accountability; and Senator Harrell

585-02216-26

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A bill to be entitled

An act relating to ethics for public officers and employees; amending s. 112.312, F.S.; revising the definition of the term "relative" to include foster parents and foster children; reenacting ss. 106.07(4)(a), 106.0702(4)(a), 348.0305, and 1001.421, F.S., relating to a campaign treasurer's reports of campaign contributions, reports of campaign contributions to candidates for a position on a political party executive committee, ethical requirements for officers, employees, and consultants for the Greater Miami Expressway Agency, and gifts to district school board members, respectively, to incorporate the amendment made to s. 112.312, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (21) of section 112.312, Florida Statutes, is amended to read:

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

(21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,

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30 stepdaughter, stepbrother, stepsister, half brother, half
31 sister, grandparent, great grandparent, grandchild, great
32 grandchild, step grandparent, step great grandparent, step
33 grandchild, or step great grandchild; an individual who, while
34 the public officer or employee was a minor, was his or her
35 legally recognized foster parent in the jurisdiction where the
36 relationship occurred or an individual who is a current or
37 former legally recognized foster child of the public officer or
38 employee in the jurisdiction where the relationship occurs or
39 occurred; a- person who is engaged to be married to the public
40 officer or employee or who otherwise holds himself or herself
41 out as or is generally known as the person whom the public
42 officer or employee intends to marry or with whom the public
43 officer or employee intends to form a household; or any other
44 natural person having the same legal residence as the public
45 officer or employee.

46 Section 2. For the purpose of incorporating the amendment
47 made by this act to section 112.312, Florida Statutes, in a
48 reference thereto, paragraph (a) of subsection (4) of section
49 106.07, Florida Statutes, is reenacted to read:

50 106.07 Reports; certification and filing.—

51 (4) (a) Except for daily reports, to which only the
52 contributions provisions below apply, and except as provided in
53 paragraph (b), each report required by this section must
54 contain:

55 1. The full name, address, and occupation, if any, of each
56 person who has made one or more contributions to or for such
57 committee or candidate within the reporting period, together
58 with the amount and date of such contributions. For

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59 corporations, the report must provide as clear a description as
60 practicable of the principal type of business conducted by the
61 corporation. However, if the contribution is \$100 or less or is
62 from a relative, as defined in s. 112.312, provided that the
63 relationship is reported, the occupation of the contributor or
64 the principal type of business need not be listed.

65 2. The name and address of each political committee from
66 which the reporting committee or the candidate received, or to
67 which the reporting committee or candidate made, any transfer of
68 funds, together with the amounts and dates of all transfers.

69 3. Each loan for campaign purposes to or from any person or
70 political committee within the reporting period, together with
71 the full names, addresses, and occupations, and principal places
72 of business, if any, of the lender and endorsers, if any, and
73 the date and amount of such loans.

74 4. A statement of each contribution, rebate, refund, or
75 other receipt not otherwise listed under subparagraphs 1.
76 through 3.

77 5. The total sums of all loans, in-kind contributions, and
78 other receipts by or for such committee or candidate during the
79 reporting period. The reporting forms shall be designed to
80 elicit separate totals for in-kind contributions, loans, and
81 other receipts.

82 6. The full name and address of each person to whom
83 expenditures have been made by or on behalf of the committee or
84 candidate within the reporting period; the amount, date, and
85 purpose of each such expenditure; and the name and address of,
86 and office sought by, each candidate on whose behalf such
87 expenditure was made. However, expenditures made from the petty

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88 cash fund provided by s. 106.12 need not be reported
89 individually.

90 7. The full name and address of each person to whom an
91 expenditure for personal services, salary, or reimbursement for
92 authorized expenses as provided in s. 106.021(3) has been made
93 and which is not otherwise reported, including the amount, date,
94 and purpose of such expenditure. However, expenditures made from
95 the petty cash fund provided for in s. 106.12 need not be
96 reported individually. Receipts for reimbursement for authorized
97 expenditures shall be retained by the treasurer along with the
98 records for the campaign account.

99 8. The total amount withdrawn and the total amount spent
100 for petty cash purposes pursuant to this chapter during the
101 reporting period.

102 9. The total sum of expenditures made by such committee or
103 candidate during the reporting period.

104 10. The amount and nature of debts and obligations owed by
105 or to the committee or candidate, which relate to the conduct of
106 any political campaign.

107 11. Transaction information for each credit card purchase.
108 Receipts for each credit card purchase shall be retained by the
109 treasurer with the records for the campaign account.

110 12. The amount and nature of any separate interest-bearing
111 accounts or certificates of deposit and identification of the
112 financial institution in which such accounts or certificates of
113 deposit are located.

114 13. The primary purposes of an expenditure made indirectly
115 through a campaign treasurer pursuant to s. 106.021(3) for goods
116 and services such as communications media placement or

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117 procurement services, campaign signs, insurance, and other
118 expenditures that include multiple components as part of the
119 expenditure. The primary purpose of an expenditure shall be that
120 purpose, including integral and directly related components,
121 that comprises 80 percent of such expenditure.

122 Section 3. For the purpose of incorporating the amendment
123 made by this act to section 112.312, Florida Statutes, in a
124 reference thereto, paragraph (a) of subsection (4) of section
125 106.0702, Florida Statutes, is reenacted to read:

126 106.0702 Reporting; political party executive committee
127 candidates.—

128 (4) (a) Each report required by this section must contain:

129 1. The full name, address, and occupation of each person
130 who has made one or more contributions to or for the reporting
131 individual within the reporting period, together with the amount
132 and date of such contributions. For corporations, the report
133 must provide as clear a description as practicable of the
134 principal type of business conducted by the corporations.
135 However, if the contribution is \$100 or less or is from a
136 relative, as defined in s. 112.312, provided that the
137 relationship is reported, the occupation of the contributor or
138 the principal type of business need not be listed.

139 2. The name and address of each political committee from
140 which the reporting individual has received, or to which the
141 reporting individual has made, any transfer of funds within the
142 reporting period, together with the amounts and dates of all
143 transfers.

144 3. Each loan for campaign purposes from any person or
145 political committee within the reporting period, together with

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146 the full name, address, and occupation, and principal place of
147 business, if any, of the lender and endorser, if any, and the
148 date and amount of such loans.

149 4. A statement of each contribution, rebate, refund, or
150 other receipt not otherwise listed under subparagraphs 1.-3.

151 5. The total sums of all loans, in-kind contributions, and
152 other receipts by or for such reporting individual during the
153 reporting period. The reporting forms shall be designed to
154 elicit separate totals for in-kind contributions, loans, and
155 other receipts.

156 6. The full name and address of each person to whom
157 expenditures have been made by or on behalf of the reporting
158 individual within the reporting period; the amount, date, and
159 purpose of each such expenditure; and the name and address of,
160 and office sought by, each reporting individual on whose behalf
161 such expenditure was made.

162 7. The amount and nature of debts and obligations owed by
163 or to the reporting individual which relate to the conduct of
164 any political campaign.

165 8. Transaction information for each credit card purchase.
166 Receipts for each credit card purchase shall be retained by the
167 reporting individual.

168 9. The amount and nature of any separate interest-bearing
169 accounts or certificates of deposit and identification of the
170 financial institution in which such accounts or certificates of
171 deposit are located.

172 Section 4. For the purpose of incorporating the amendment
173 made by this act to section 112.312, Florida Statutes, in a
174 reference thereto, section 348.0305, Florida Statutes, is

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175 reenacted to read:

176 348.0305 Ethics requirements.—

177 (1) Notwithstanding any other provision of law to the
178 contrary, members and employees of the agency are subject to
179 part III of chapter 112. As used in this section, the term:

180 (a) "Agency" means the Greater Miami Expressway Agency.

181 (b) "Lobby" means to seek to influence the agency, on
182 behalf of another person, with respect to a decision of the
183 agency in an area of policy or procurement or to attempt to
184 obtain the goodwill of an officer, employee, or consultant of
185 the agency. The term does not include representing a client in
186 any stage of applying for or seeking approval of any
187 administrative action, or opposition to such action, provided
188 such action does not require legislative discretion and is
189 subject to judicial review by petitioning for writ of
190 certiorari.191 (c) "Lobbyist" means a person who is employed and receives
192 payment, or who contracts for economic consideration, to lobby
193 or a person who is principally employed for governmental affairs
194 by another person or entity to lobby on behalf of such person or
195 entity. The term does not include a person who:196 1. Represents a client in a judicial proceeding or in a
197 formal administrative proceeding before the agency.198 2. Is an officer or employee of any governmental entity
199 acting in the normal course of his or her duties.200 3. Consults under contract with the agency and communicates
201 with the agency regarding issues related to the scope of
202 services in his or her contract.

203 4. Is an expert witness who is retained or employed by an

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204 employer, principal, or client to provide only scientific,
205 technical, or other specialized information provided in agenda
206 materials or testimony only in public hearings, provided the
207 expert identifies such employer, principal, or client at such
208 hearing.

209 5. Seeks to procure a contract that is less than \$20,000 or
210 a contract pursuant to s. 287.056.

211 (d) "Officer" means a member of the governing body of the
212 agency.

213 (e) "Principal" has the same meaning as in s. 112.3215.

214 (f) "Relative" has the same meaning as in s. 112.312.

215 (2) (a) A lobbyist may not be appointed or serve as a member
216 of the governing body of the agency.

217 (b) A person may not be appointed or serve as an officer if
218 that person currently represents or has in the previous 4 years
219 lobbied the agency or the former Miami-Dade County Expressway
220 Authority.

221 (c) A person may not be appointed or serve as an officer if
222 that person has in the previous 4 years done business, or been
223 an employee of a person or entity that has done business, with
224 the agency or the former Miami-Dade County Expressway Authority.

225 (d) A person may not be appointed or serve as an officer if
226 that person has in the previous 2 years been an employee of the
227 agency.

228 (3) An officer, employee, or consultant of the agency or of
229 the former Miami-Dade County Expressway Authority may not, for a
230 period of 4 years after vacation of his or her position with the
231 agency:

232 (a) Lobby the agency.

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(b) Have an employment or contractual relationship with a business entity in connection with a contract in which the officer, employee, or consultant personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was an officer, employee, or consultant of the agency. When an agency employee's position is eliminated and his or her former duties are performed by the business entity, this paragraph does not prohibit him or her from employment or a contractual relationship with the business entity if the employee's participation in the contract was limited to recommendation, rendering of advice, or investigation and if the executive director of the agency determines that the best interests of the agency will be served thereby and provides prior written approval for the particular employee.

248 (c) Have or hold any employment or contractual relationship
249 with a business entity in connection with any contract for
250 contractual services which was within his or her responsibility
251 while an officer, employee, or consultant. If an agency
252 employee's position is eliminated and his or her former duties
253 are performed by the business entity, this paragraph may be
254 waived by the executive director of the agency through prior
255 written approval for the particular employee if the executive
256 director determines that the best interests of the agency will
257 be served thereby.

258 (4) Each officer, employee, and consultant of the agency
259 must promptly disclose:

260 (a) Every relationship that may create a conflict between
261 his or her private interests and the performance of his or her

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262 duties to the agency or that would impede the full and faithful
263 discharge of his or her duties to the agency.

264 (b) Any relative and any employment or contractual
265 relationship of such relative which, if held by the officer,
266 employee, or consultant, would violate any provision of s.
267 112.313.

268 (c) Any relative who is a lobbyist and such lobbyist's
269 principal.

270 (d) Any direct or indirect interest in real property and
271 such interest of any relative if such property is located within
272 one-half mile of any actual or prospective agency project. The
273 executive director of the agency shall provide a corridor map
274 and a property ownership list reflecting the ownership of all
275 real property within the disclosure area, or an alignment map
276 with a list of associated owners, to all officers, employees,
277 and consultants.

278 (5) The disclosures required under subsection (4) must be
279 filed with the agency general counsel in the manner specified by
280 the general counsel. When the disclosure is filed by the general
281 counsel, a copy must be provided to the executive director of
282 the agency.

283 (6) A violation of this section shall be considered a
284 violation of the violator's official, employment, or contractual
285 duties to the agency.

286 (7) Officers, employees, and consultants of the agency
287 shall be adequately informed and trained on the provisions of
288 this section and the state code of ethics and shall receive
289 ongoing ethics training.

290 (8) The state code of ethics shall apply to officers,

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291 employees, and consultants of the agency, and this section shall
292 be enforced by the Commission on Ethics as part of the state
293 code of ethics.

294 (9) For purposes of this section, "consultant" does not
295 include firms or individuals retained by the agency to provide
296 architectural, engineering, landscape architecture, or
297 registered surveying and mapping services as described in s.
298 287.055.

299 Section 5. For the purpose of incorporating the amendment
300 made by this act to section 112.312, Florida Statutes, in a
301 reference thereto, section 1001.421, Florida Statutes, is
302 reenacted to read:

303 1001.421 Gifts.—Notwithstanding any other provision of law
304 to the contrary, district school board members and their
305 relatives, as defined in s. 112.312(21), may not directly or
306 indirectly solicit any gift, or directly or indirectly accept
307 any gift in excess of \$50, from any person, vendor, potential
308 vendor, or other entity doing business with the school district.
309 The term "gift" has the same meaning as in s. 112.312(12).

310 Section 6. This act shall take effect July 1, 2026.