

1 A bill to be entitled
 2 An act relating to ethics; amending s. 112.3144, F.S.;
 3 requiring the reporting of additional transactions and
 4 other interests by persons required to file a full and
 5 public disclosure form pursuant to s. 8, Art. II of
 6 the State Constitution; conforming a cross-reference;
 7 creating s. 112.31485, F.S.; requiring the Commission
 8 on Ethics to establish and maintain a website with a
 9 searchable database that contains financial disclosure
 10 forms, voting conflict memorandums, and statements of
 11 gifts that must be disclosed; amending s. 112.324,
 12 F.S.; expanding the authority of the commission to
 13 initiate an investigation of an alleged violation or
 14 breach of the public trust upon receipt of a written
 15 statement that a majority of the commission finds
 16 credible; providing an effective date.

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

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 20 Section 1. Subsections (5), (6), and (7) of section
 21 112.3144, Florida Statutes, are renumbered as subsections (6),
 22 (7), and (8), respectively, paragraph (g) of present subsection
 23 (5) is amended, and a new subsection (5) is added to that
 24 section, to read:

25 112.3144 Full and public disclosure of financial
 26 interests, transactions, and other interests.-

27 (5) For purposes of full and public disclosure as required
 28 under s. 8(a), Art. II of the State Constitution, the following

29 | items must also be reported:

30 | (a) All financial transactions valued at more than \$1,000.

31 | (b) All stock trades made in excess of \$1,000 and a brief
 32 | description of each such transaction, which includes whether it
 33 | is a purchase or sale and the amount of the transaction.

34 | (c) All property transactions made in excess of \$1,000.

35 | (d) All changes in business ownership.

36 | (e) Each position held in a business, including the amount
 37 | of the interest in the business if it exceeds 10 percent, the
 38 | name and address of the business, a description of the business,
 39 | and the nature of the officer's association with the business.

40 | (f) Each position held in a nonprofit organization, the
 41 | name and address of the organization, and a description of the
 42 | organization.

43 | (g) Each position or office held in any other
 44 | organization.

45 | (h) Each contribution made in excess of \$1,000 that is
 46 | made within 1 year after employment in a position that requires
 47 | an individual to file under the provisions of this section. The
 48 | entry must include the candidate's or organization's name, the
 49 | amount of the contribution or loan, and the date of the
 50 | transaction.

51 | ~~(6)-(5)~~ Forms for compliance with the full and public
 52 | disclosure requirements of s. 8, Art. II of the State
 53 | Constitution shall be created by the Commission on Ethics. The
 54 | commission shall give notice of disclosure deadlines and
 55 | delinquencies and distribute forms in the following manner:

56 | (g) The notification requirements and fines of this

57 subsection do not apply to candidates or to the first filing
 58 required of any person appointed to elective constitutional
 59 office or other position required to file full and public
 60 disclosure, unless the person's name is on the commission's
 61 notification list and the person received notification from the
 62 commission. The appointing official shall notify such newly
 63 appointed person of the obligation to file full and public
 64 disclosure by July 1. The notification requirements and fines of
 65 this subsection do not apply to the final filing provided for in
 66 subsection (7) ~~(6)~~.

67 Section 2. Section 112.31485, Florida Statutes, is created
 68 to read:

69 112.31485 Searchable database.—The commission shall
 70 establish and maintain a website, directly accessible through
 71 the commission's official webpage, which provides a searchable
 72 database that contains a copy of:

73 (1) The full and public disclosure of financial interests
 74 form of each person who is required to file pursuant to s.
 75 112.3144.

76 (2) Each voting conflict memorandum that a person is
 77 required to submit pursuant to s. 112.3143.

78 (3) Each statement listing a gift required to be disclosed
 79 under s. 112.3148.

80 Section 3. Subsections (1), (3), (4), (5), (8), and (11)
 81 of section 112.324, Florida Statutes, are amended to read:

82 112.324 Procedures on complaints or statements of
 83 violations; public records and meeting exemptions.—

84 (1) ~~Upon a written complaint executed on a form prescribed~~

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85 ~~by the commission and signed under oath or affirmation by any~~
86 ~~person,~~ The commission shall investigate any alleged violation
87 of this part or any other alleged breach of the public trust
88 within the jurisdiction of the commission as provided in s.
89 8(f), Art. II of the State Constitution upon the receipt of: in
90 ~~accordance with procedures set forth herein~~

91 (a) A written complaint by any person executed on a form
92 prescribed by the commission and signed under oath or
93 affirmation by the complainant; or

94 (b) A written statement by any person, if a majority of
95 the members of the commission find the statement to be credible
96 concerning a breach of the public trust.

97
98 Within 5 days after receipt of a complaint or statement by the
99 commission, a copy shall be transmitted to the alleged violator.

100 (3) A preliminary investigation shall be undertaken by the
101 commission of each legally sufficient complaint or statement
102 over which the commission has jurisdiction to determine whether
103 there is probable cause to believe that a violation has
104 occurred. If, upon completion of the preliminary investigation,
105 the commission finds no probable cause to believe that this part
106 has been violated or that any other breach of the public trust
107 has been committed, the commission shall dismiss the complaint
108 or statement with the issuance of a public report to the
109 complainant and the alleged violator, stating with particularity
110 its reasons for dismissal ~~of the complaint~~. At that time, the
111 complaint or the statement and all materials relating to the
112 complaint or the statement shall become a matter of public

113 record. If the commission finds from the preliminary
114 investigation probable cause to believe that this part has been
115 violated or that any other breach of the public trust has been
116 committed, it shall so notify the complainant and the alleged
117 violator in writing. Such notification and all documents made or
118 received in the disposition of the complaint or statement shall
119 then become public records. Upon request submitted to the
120 commission in writing, any person who the commission finds
121 probable cause to believe has violated any provision of this
122 part or has committed any other breach of the public trust shall
123 be entitled to a public hearing. Such person shall be deemed to
124 have waived the right to a public hearing if the request is not
125 received within 14 days after ~~following~~ the mailing of the
126 probable cause notification required by this subsection.
127 However, the commission may on its own motion, require a public
128 hearing, may conduct such further investigation as it deems
129 necessary, and may enter into such stipulations and settlements
130 as it finds to be just and in the best interest of the state.
131 The commission is without jurisdiction to, and no respondent may
132 voluntarily or involuntarily, enter into a stipulation or
133 settlement which imposes any penalty, including, but not limited
134 to, a sanction or admonition or any other penalty contained in
135 s. 112.317. Penalties shall be imposed only by the appropriate
136 disciplinary authority as designated in this section.

137 (4) If, in cases pertaining to members of the Legislature,
138 upon completion of a full and final investigation by the
139 commission, the commission finds that there has been a violation
140 of this part or of any provision of s. 8, Art. II of the State

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141 Constitution, the commission shall forward a copy of the
142 complaint or statement and its findings by certified mail to the
143 President of the Senate or the Speaker of the House of
144 Representatives, whichever is applicable, who shall refer the
145 matter ~~complaint~~ to the appropriate committee for investigation
146 and action which shall be governed by the rules of its
147 respective house. It shall be the duty of the committee to
148 report its final action upon the matter ~~complaint~~ to the
149 commission within 90 days after ~~of~~ the date of transmittal to
150 the respective house. Upon request of the committee, the
151 commission shall submit a recommendation as to what penalty, if
152 any, should be imposed. In the case of a member of the
153 Legislature, the house in which the member serves shall have the
154 power to invoke the penalty provisions of this part.

155 (5) If, in cases ~~pertaining to complaints~~ against
156 impeachable officers, upon completion of a full and final
157 investigation by the commission, the commission finds that there
158 has been a violation of this part or of any provision of s. 8,
159 Art. II of the State Constitution, and the commission finds that
160 the violation may constitute grounds for impeachment, the
161 commission shall forward a copy of the complaint or statement
162 and its findings by certified mail to the Speaker of the House
163 of Representatives, who shall refer the matter ~~complaint~~ to the
164 appropriate committee for investigation and action which shall
165 be governed by the rules of the House of Representatives. It
166 shall be the duty of the committee to report its final action
167 upon the complaint or statement to the commission within 90 days
168 after ~~of~~ the date of transmittal.

169 (8) If, in cases ~~pertaining to complaints~~ other than
 170 ~~complaints~~ against impeachable officers or members of the
 171 Legislature, upon completion of a full and final investigation
 172 by the commission, the commission finds that there has been a
 173 violation of this part or of s. 8, Art. II of the State
 174 Constitution, it shall be the duty of the commission to report
 175 its findings and recommend appropriate action to the proper
 176 disciplinary official or body as follows, and such official or
 177 body shall have the power to invoke the penalty provisions of
 178 this part, including the power to order the appropriate
 179 elections official to remove a candidate from the ballot for a
 180 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 181 State Constitution:

182 (a) The President of the Senate and the Speaker of the
 183 House of Representatives, jointly, in any case concerning the
 184 Public Counsel, members of the Public Service Commission,
 185 members of the Public Service Commission Nominating Council, the
 186 Auditor General, or the director of the Office of Program Policy
 187 Analysis and Government Accountability.

188 (b) The Supreme Court, in any case concerning an employee
 189 of the judicial branch.

190 (c) The President of the Senate, in any case concerning an
 191 employee of the Senate; the Speaker of the House of
 192 Representatives, in any case concerning an employee of the House
 193 of Representatives; or the President and the Speaker, jointly,
 194 in any case concerning an employee of a committee of the
 195 Legislature whose members are appointed solely by the President
 196 and the Speaker or in any case concerning an employee of the

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197 Public Counsel, Public Service Commission, Auditor General, or
 198 Office of Program Policy Analysis and Government Accountability.

199 (d) Except as otherwise provided by this part, the
 200 Governor, in the case of any other public officer, public
 201 employee, former public officer or public employee, candidate or
 202 former candidate, or person who is not a public officer or
 203 employee, other than lobbyists and lobbying firms under s.
 204 112.3215 for violations of s. 112.3215.

205 (e) The President of the Senate or the Speaker of the
 206 House of Representatives, whichever is applicable, in any case
 207 concerning a former member of the Legislature who has violated a
 208 provision applicable to former members or whose violation
 209 occurred while a member of the Legislature.

210 (11) Notwithstanding ~~the provisions of~~ subsections (1)-
 211 (8), the commission may, at its discretion, dismiss any
 212 complaint or statement at any stage of disposition if ~~should~~ it
 213 determines ~~determine~~ that the public interest would not be
 214 served by proceeding further, in which case the commission shall
 215 issue a public report stating with particularity its reasons for
 216 the dismissal.

217 Section 4. This act shall take effect July 1, 2013.