

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312, F.S.;
3 revising the definition of "business entity"; creating
4 s. 112.3125, F.S.; defining the term "public officer";
5 prohibiting public officers from accepting additional
6 employment with the state or any of its political
7 subdivisions under specified conditions; amending s.
8 112.313, F.S.; prohibiting a former legislator from
9 acting as a lobbyist before an executive branch
10 agency, agency official, or employee for a specified
11 period following vacation of office; providing
12 definitions; creating s. 112.3142, F.S.; defining the
13 term "constitutional officers"; requiring
14 constitutional officers to complete annual ethics
15 training; specifying requirements for ethics training;
16 requiring the commission to adopt rules to establish
17 minimum course content; requiring each house of the
18 Legislature to provide for ethics training pursuant to
19 its rules; creating s. 112.31425, F.S.; providing
20 legislative findings; providing that holding an
21 economic interest in a qualified blind trust is not a
22 prohibited conflict of interest; providing that a
23 public officer may not attempt to influence, exercise
24 control of, or obtain information regarding the
25 holdings of the qualified blind trust; prohibiting
26 communication regarding the qualified blind trust
27 between a public officer or a person having a
28 beneficial interest in the trust and the trustee;

29 providing exceptions; requiring a public officer to
30 report the qualified blind trust and its value on his
31 or her financial disclosure form under specified
32 circumstances; establishing requirements for creation
33 of a qualified blind trust; requiring a public officer
34 who holds a qualified blind trust to file a notice
35 with the Commission on Ethics; requiring a covered
36 public official to file an amendment to his or her
37 most recent financial disclosure statement under
38 specified conditions; amending s. 112.3143, F.S.;
39 providing definitions; requiring state public officers
40 to abstain from voting on any matter that the officer
41 knows would inure to his or her special private gain
42 or loss; requiring that a memorandum filed after a
43 vote be filed no later than 15 days after the vote;
44 providing that a member of the Legislature satisfies
45 the disclosure requirement by filing a form created
46 pursuant to the rules of his or her respective house;
47 providing that confidential or privileged information
48 need not be disclosed; amending s. 112.3144, F.S.;
49 requiring the qualifying officer to electronically
50 transmit a full and public disclosure of financial
51 interests of a qualified candidate to the commission;
52 providing timeframes for the filing of certain
53 complaints; authorizing filing individuals to file an
54 amended statement during a specified timeframe under
55 specified conditions; authorizing the commission to
56 immediately follow complaint procedures under

57 | specified conditions; prohibiting the commission from
58 | taking action on complaints alleging immaterial,
59 | inconsequential, or de minimis errors or omissions;
60 | providing what constitutes an immaterial,
61 | inconsequential, or de minimis error or omission;
62 | authorizing an individual required to file a
63 | disclosure to have the statement prepared by an
64 | attorney or a certified public accountant; requiring
65 | an attorney or certified public accountant to sign the
66 | completed disclosure form to indicate compliance with
67 | applicable requirements and that the disclosure is
68 | true and correct based on reasonable knowledge and
69 | belief; providing circumstances under which the
70 | commission must determine if an attorney or a
71 | certified public accountant failed to disclose
72 | information provided by the filing individual on the
73 | filed statement; providing that the failure of the
74 | attorney or certified public accountant to accurately
75 | transcribe information provided by the filing
76 | individual does not constitute a violation;
77 | authorizing an elected officer or candidate to use
78 | funds in an office account or campaign depository to
79 | pay an attorney or certified public accountant for
80 | preparing a disclosure; creating s. 112.31445, F.S.;
81 | providing a definition for "electronic filing system";
82 | requiring all disclosures of financial interests filed
83 | with the commission to be scanned and made publicly
84 | available on a searchable Internet database beginning

85 | with the 2012 filing year; requiring the commission to
86 | submit a proposal to the President of the Senate and
87 | the Speaker of the House of Representatives for a
88 | mandatory electronic filing system by a specified
89 | date; establishing minimum requirements for the
90 | commission's proposal; amending s. 112.3145, F.S.;
91 | revising the definitions of "local officer" and
92 | "specified state employee"; revising procedures for
93 | the filing of a statement of financial interests with
94 | a candidate's qualifying papers; requiring a person
95 | filing a statement of financial interest to indicate
96 | the method of reporting income; providing timeframes
97 | for the filing of certain complaints; authorizing
98 | filing individuals to file an amended statement during
99 | a specified timeframe under specified conditions;
100 | authorizing the commission to immediately follow
101 | complaint procedures under specified conditions;
102 | prohibiting the commission from taking action on
103 | complaints alleging immaterial, inconsequential, or de
104 | minimis errors or omissions; providing what
105 | constitutes an immaterial, inconsequential, or de
106 | minimis error or omission; authorizing an individual
107 | required to file a disclosure to have the statement
108 | prepared by an attorney or a certified public
109 | accountant; requiring an attorney or certified public
110 | accountant to sign the completed disclosure form to
111 | indicate compliance with applicable requirements and
112 | that the disclosure is true and correct based on

113 reasonable knowledge and belief; providing
114 circumstances under which the commission must
115 determine if an attorney or a certified public
116 accountant failed to disclose information provided by
117 the filing individual on the filed statement;
118 providing that the failure of the attorney or
119 certified public accountant to accurately transcribe
120 information provided by the filing individual does not
121 constitute a violation; authorizing an elected officer
122 or candidate to use funds in an office account or
123 campaign depository to pay an attorney or certified
124 public accountant for preparing a disclosure; creating
125 s. 112.31455, F.S.; requiring the commission to
126 attempt to determine whether an individual owing
127 certain fines is a current public officer or public
128 employee; authorizing the commission to notify the
129 Chief Financial Officer or the governing body of a
130 county, municipality, or special district of the total
131 amount of any fine owed to the commission by such
132 individuals; requiring that the Chief Financial
133 Officer or the governing body of a county,
134 municipality, or special district begin withholding
135 portions of any salary payment that would otherwise be
136 paid to the current public officer or public employee;
137 requiring that the withheld payments be remitted to
138 the commission until the fine is satisfied;
139 authorizing the Chief Financial Officer or the
140 governing body to retain a portion of payment for

141 administrative costs; authorizing collection methods
142 for the commission or the Department of Financial
143 Services for individuals who are no longer public
144 officers or public employees; authorizing the
145 commission to contract with a collection agency;
146 authorizing a collection agency to utilize collection
147 methods authorized by law; authorizing the commission
148 to collect an unpaid fine within a specified period of
149 issuance of the final order; amending s. 112.3147,
150 F.S.; providing an exception to the requirement that
151 all forms be prescribed by the commission; amending s.
152 112.3148, F.S.; revising the definition of
153 "procurement employee"; creating a definition for
154 "vendor"; prohibiting a reporting individual or
155 procurement employee from soliciting or knowingly
156 accepting a gift from a vendor; deleting references to
157 committees of continuous existence; amending s.
158 112.3149, F.S.; revising the definition of
159 "procurement employee"; defining the term "vendor";
160 prohibiting a reporting individual or procurement
161 employee from knowingly accepting an honorarium from a
162 vendor; prohibiting a vendor from giving an honorarium
163 to a reporting individual or procurement employee;
164 amending s. 112.317, F.S.; making technical changes;
165 amending s. 112.3215, F.S.; authorizing the commission
166 to investigate sworn complaints alleging a prohibited
167 expenditure; authorizing the commission to investigate
168 a lobbyist or principal upon a sworn complaint or

169 random audit; authorizing the Governor and Cabinet to
170 assess a fine on a lobbyist or principal under
171 specified conditions; providing a civil penalty;
172 amending s. 112.324, F.S.; authorizing specified
173 parties to submit written referrals of a possible
174 violation of the Code of Ethics for Public Officers
175 and Employees or other possible breaches of the public
176 trust to the Commission on Ethics; establishing
177 procedures for the receipt of written referrals by the
178 commission; extending the period in which the
179 disclosure of the intent to file or the filing of a
180 complaint against a candidate is prohibited; providing
181 exceptions; authorizing the commission to dismiss a
182 complaint of a de minimis violation; providing
183 exceptions; defining a de minimis violation;
184 reenacting s. 120.665, F.S., relating to
185 disqualification of agency personnel, to incorporate
186 the amendments to s. 112.3143, F.S., in a reference
187 thereto; reenacting s. 286.012, F.S., relating to
188 voting requirements at meetings of governmental
189 bodies, to incorporate the amendments made to s.
190 112.3143, F.S., in a reference thereto; reenacting s.
191 287.175, F.S., relating to penalties, to incorporate
192 the amendments made to s. 112.324, F.S., in a
193 reference thereto; amending s. 288.901, F.S.;
194 conforming a cross-reference; amending s. 445.007,
195 F.S., and reenacting subsection (1) of that section,
196 relating to regional workforce boards, to incorporate

197 the amendments made to s. 112.3143, F.S., in a
 198 reference thereto; conforming cross-references;
 199 reenacting s. 627.311(5)(m), F.S., relating to joint
 200 underwriters and joint reinsurers, to incorporate the
 201 amendments made to s. 112.3143, F.S., in a reference
 202 thereto; reenacting s. 627.351(6)(d), F.S., relating
 203 to Citizens Property Insurance Corporation, to
 204 incorporate the amendments made to s. 112.3143, F.S.;
 205 providing an effective date.

206
 207 Be It Enacted by the Legislature of the State of Florida:

208
 209 Section 1. Subsection (5) of section 112.312, Florida
 210 Statutes, is amended to read:

211 112.312 Definitions.—As used in this part and for purposes
 212 of the provisions of s. 8, Art. II of the State Constitution,
 213 unless the context otherwise requires:

214 (5) "Business entity" means any corporation, partnership,
 215 limited partnership, company, limited liability company,
 216 proprietorship, firm, enterprise, franchise, association, self-
 217 employed individual, or trust, whether fictitiously named or
 218 not, doing business in this state.

219 Section 2. Section 112.3125, Florida Statutes, is created
 220 to read:

221 112.3125 Dual public employment.—

222 (1) As used in this section, the term "public officer"
 223 includes any person who is elected to state or local office or,
 224 for the period of his or her candidacy, any person who has

225 qualified as a candidate for state or local office.

226 (2) A public officer may not accept public employment with
 227 the state or any of its political subdivisions if the public
 228 officer knows, or with the exercise of reasonable care should
 229 know, that the position is being offered by the employer for the
 230 purpose of gaining influence or other advantage based on the
 231 public officer's office or candidacy.

232 (3) Any public employment accepted by a public officer
 233 must meet all of the following conditions:

234 (a)1. The position was already in existence or was created
 235 by the employer without the knowledge or anticipation of the
 236 public officer's interest in such position;

237 2. The position was publicly advertised;

238 3. The public officer was subject to the same application
 239 and hiring process as other candidates for the position; and

240 4. The public officer meets or exceeds the required
 241 qualifications for the position.

242 (4) A person who was employed by the state or any of its
 243 political subdivisions before qualifying as a public officer for
 244 his or her current term of office or the next available term of
 245 office may continue his or her employment. However, he or she
 246 may not accept promotion, advancement, additional compensation,
 247 or anything of value that he or she knows, or with the exercise
 248 of reasonable care should know, is provided or given as a result
 249 of his or her election or position, or that is otherwise
 250 inconsistent with the promotion, advancement, additional
 251 compensation, or anything of value provided or given an employee
 252 who is similarly situated.

253 (5) This section may not be interpreted as authorizing
 254 employment that is otherwise prohibited by law.

255 Section 3. Paragraph (a) of subsection (9) of section
 256 112.313, Florida Statutes, is amended to read:

257 112.313 Standards of conduct for public officers,
 258 employees of agencies, and local government attorneys.—

259 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 260 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

261 (a)1. It is the intent of the Legislature to implement by
 262 statute the provisions of s. 8(e), Art. II of the State
 263 Constitution relating to legislators, statewide elected
 264 officers, appointed state officers, and designated public
 265 employees.

266 2. As used in this paragraph:

267 a. "Employee" means:

268 (I) Any person employed in the executive or legislative
 269 branch of government holding a position in the Senior Management
 270 Service as defined in s. 110.402 or any person holding a
 271 position in the Selected Exempt Service as defined in s. 110.602
 272 or any person having authority over policy or procurement
 273 employed by the Department of the Lottery.

274 (II) The Auditor General, the director of the Office of
 275 Program Policy Analysis and Government Accountability, the
 276 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 277 at Arms and Clerk of the House of Representatives.

278 (III) The executive director and deputy executive director
 279 of the Commission on Ethics.

280 (IV) An executive director, staff director, or deputy

281 staff director of each joint committee, standing committee, or
 282 select committee of the Legislature; an executive director,
 283 staff director, executive assistant, analyst, or attorney of the
 284 Office of the President of the Senate, the Office of the Speaker
 285 of the House of Representatives, the Senate Majority Party
 286 Office, Senate Minority Party Office, House Majority Party
 287 Office, or House Minority Party Office; or any person, hired on
 288 a contractual basis, having the power normally conferred upon
 289 such persons, by whatever title.

290 (V) The Chancellor and Vice Chancellors of the State
 291 University System; the general counsel to the Board of Governors
 292 of the State University System; and the president, provost, vice
 293 presidents, and deans of each state university.

294 (VI) Any person, including an other-personal-services
 295 employee, having the power normally conferred upon the positions
 296 referenced in this sub-subparagraph.

297 b. "Appointed state officer" means any member of an
 298 appointive board, commission, committee, council, or authority
 299 of the executive or legislative branch of state government whose
 300 powers, jurisdiction, and authority are not solely advisory and
 301 include the final determination or adjudication of any personal
 302 or property rights, duties, or obligations, other than those
 303 relative to its internal operations.

304 c. "State agency" means an entity of the legislative,
 305 executive, or judicial branch of state government over which the
 306 Legislature exercises plenary budgetary and statutory control.

307 3.a. No member of the Legislature, appointed state officer,
 308 or statewide elected officer shall personally represent another

309 person or entity for compensation before the government body or
310 agency of which the individual was an officer or member for a
311 period of 2 years following vacation of office. No member of the
312 Legislature shall personally represent another person or entity
313 for compensation during his or her term of office before any
314 state agency other than judicial tribunals or in settlement
315 negotiations after the filing of a lawsuit.

316 b. For a period of 2 years following vacation of office, a
317 former member of the Legislature may not act as a lobbyist for
318 compensation before an executive branch agency, agency official,
319 or employee. The terms used in this sub-subparagraph have the
320 same meanings as provided in s. 112.3215.

321 4. An agency employee, including an agency employee who
322 was employed on July 1, 2001, in a Career Service System
323 position that was transferred to the Selected Exempt Service
324 System under chapter 2001-43, Laws of Florida, may not
325 personally represent another person or entity for compensation
326 before the agency with which he or she was employed for a period
327 of 2 years following vacation of position, unless employed by
328 another agency of state government.

329 5. Any person violating this paragraph shall be subject to
330 the penalties provided in s. 112.317 and a civil penalty of an
331 amount equal to the compensation which the person receives for
332 the prohibited conduct.

333 6. This paragraph is not applicable to:

334 a. A person employed by the Legislature or other agency
335 prior to July 1, 1989;

336 b. A person who was employed by the Legislature or other

337 | agency on July 1, 1989, whether or not the person was a defined
 338 | employee on July 1, 1989;

339 | c. A person who was a defined employee of the State
 340 | University System or the Public Service Commission who held such
 341 | employment on December 31, 1994;

342 | d. A person who has reached normal retirement age as
 343 | defined in s. 121.021(29), and who has retired under the
 344 | provisions of chapter 121 by July 1, 1991; or

345 | e. Any appointed state officer whose term of office began
 346 | before January 1, 1995, unless reappointed to that office on or
 347 | after January 1, 1995.

348 | Section 4. Section 112.3142, Florida Statutes, is created
 349 | to read:

350 | 112.3142 Ethics training for specified constitutional
 351 | officers.-

352 | (1) As used in this section, the term "constitutional
 353 | officers" includes the Governor, the Lieutenant Governor, the
 354 | Attorney General, the Chief Financial Officer, the Commissioner
 355 | of Agriculture, state attorneys, public defenders, sheriffs, tax
 356 | collectors, property appraisers, supervisors of elections,
 357 | clerks of the circuit court, county commissioners, district
 358 | school board members, and superintendents of schools.

359 | (2) (a) All constitutional officers must complete 4 hours
 360 | of ethics training annually that addresses, at a minimum, s. 8,
 361 | Art. II of the State Constitution, the Code of Ethics for Public
 362 | Officers and Employees, and the public records and public
 363 | meetings laws of this state. This requirement may be satisfied
 364 | by completion of a continuing legal education class or other

CS/HB 7131

2013

365 continuing professional education class, seminar, or
366 presentation if the required subjects are covered.

367 (b) The commission shall adopt rules establishing minimum
368 course content for the portion of an ethics training class that
369 addresses s. 8, Art. II of the State Constitution and the Code
370 of Ethics for Public Officers and Employees.

371 (3) Each house of the Legislature shall provide for ethics
372 training pursuant to its rules.

373 Section 5. Section 112.31425, Florida Statutes, is created
374 to read:

375 112.31425 Qualified blind trusts.-

376 (1) The Legislature finds that if a public officer creates
377 a trust and does not control the interests held by the trust,
378 his or her official actions will not be influenced or appear to
379 be influenced by private considerations.

380 (2) If a public officer holds a beneficial interest in a
381 qualified blind trust as described in this section, he or she
382 does not have a conflict of interest prohibited under s.
383 112.313(3) or (7) or a voting conflict of interest under s.
384 112.3143 with regard to matters pertaining to that interest.

385 (3) The public officer may not attempt to influence or
386 exercise any control over decisions regarding the management of
387 assets in a qualified blind trust. The public officer or any
388 person having a beneficial interest in the qualified blind trust
389 may not make any effort to obtain information with respect to
390 the holdings of the trust, including obtaining a copy of any
391 trust tax return filed or any information relating thereto,
392 except as otherwise provided in this section.

393 (4) Except for communications that consist solely of
394 requests for distributions of cash or other unspecified assets
395 of the trust, the public officer or the person who has a
396 beneficial interest may not have any direct or indirect
397 communication with the trustee with respect to the trust, unless
398 such communication is in writing and relates only to:

399 (a) A request for a distribution from the trust which does
400 not specify whether the distribution is to be made in cash or in
401 kind;

402 (b) The general financial interests and needs of the
403 public officer or the person who has a beneficial interest,
404 including, but not limited to, an interest in maximizing income
405 or long-term capital gain;

406 (c) A notification of the trustee of a law or regulation
407 subsequently applicable to the public officer which prohibits
408 the officer from holding an asset and directs that the asset not
409 be held by the trust; or

410 (d) A direction to the trustee to sell all of an asset
411 initially placed in the trust by the public officer which, in
412 the determination of the public officer, creates a conflict of
413 interest or the appearance thereof due to the subsequent
414 assumption of duties by the public officer.

415 (5) The public officer shall report the beneficial
416 interest in the qualified blind trust and its value as an asset
417 on his or her financial disclosure form, if the value is
418 required to be disclosed. The public officer shall report the
419 blind trust as a primary source of income on his or her
420 financial disclosure forms and its amount, if the amount of

421 income is required to be disclosed. The public officer is not
422 required to report as a secondary source of income any source of
423 income to the blind trust.

424 (6) In order to constitute a qualified blind trust, the
425 trust established by the public officer must meet the following
426 requirements:

427 (a) The person appointed as the trustee may not be:

428 1. The public officer's spouse, child, parent,
429 grandparent, grandchild, brother, sister, parent-in-law,
430 brother-in-law, sister-in-law, aunt, uncle, or first cousin, or
431 the spouse of any such person;

432 2. A person who is an elected or appointed public officer
433 or a public employee; or

434 3. A person who has been appointed to serve in an agency
435 by the public officer or by a public officer or public employee
436 supervised by the public officer.

437 (b) All assets in the trust must be readily marketable.

438 (c) The trust agreement that establishes the trust must:

439 1. Contain a complete list of assets placed in the trust.

440 2. Contain a statement that its purpose is to remove from
441 the grantor control and knowledge of investment of trust assets
442 so that conflicts between the grantor's responsibilities as a
443 public officer and his or her private interests are eliminated.

444 3. Give the trustee complete discretion to manage the
445 trust, including, but not limited to, the power to dispose of
446 and acquire trust assets without consulting or notifying the
447 covered public officer or the person having a beneficial
448 interest in the trust.

449 4. Prohibit communication between the trustee and the
450 public officer, or the person who has a beneficial interest in
451 the trust, concerning the holdings or sources of income of the
452 trust, except amounts of cash value or net income or loss, if
453 such report does not identify any asset or holding, or except as
454 provided in this section.

455 5. Provide that the trust tax return is prepared by the
456 trustee or his or her designee and that any information relating
457 thereto is not disclosed to the public officer or to the person
458 who has a beneficial interest, except as provided in this
459 section.

460 6. Permit the trustee to notify the public officer of the
461 date of disposition and value at disposition of any original
462 investment or interest in real property to the extent required
463 by federal tax law so that the information can be reported on
464 the public officer's applicable tax returns.

465 7. Prohibit the trustee from disclosing to the public
466 officer or the person who has a beneficial interest any
467 information concerning replacement assets to the trust, except
468 for the minimum tax information that lists only the totals of
469 taxable items from the trust and does not describe the source of
470 individual items of income.

471 (d) Within 5 business days after the agreement is
472 executed, the public officer shall file with the commission a
473 copy of the trust agreement and a notice setting forth:

- 474 1. The date that the agreement is executed.
475 2. The name and address of the trustee.
476 3. The acknowledgement by the trustee that he or she has

477 | agreed to serve as trustee.

478 | (7) If the trust is revoked while the covered public
479 | official is a public officer, or if the covered public official
480 | learns of any replacement assets that have been added to the
481 | trust, the covered public official shall file an amendment to
482 | his or her most recent financial disclosure statement. The
483 | amendment shall be filed no later than 60 days after the date of
484 | revocation or the addition of the replacement assets. The
485 | covered public official shall disclose the previously unreported
486 | pro rata share of the trust's interests in investments or income
487 | deriving from any such investments. For purposes of this
488 | section, any replacement asset that becomes known to the covered
489 | public official shall thereafter be treated as though it were an
490 | original asset of the trust.

491 | Section 6. Subsections (1) and (2) of section 112.3143,
492 | Florida Statutes, are amended, current subsection (5) of that
493 | section is renumbered as subsection (6), and a new subsection
494 | (5) is added to that section, to read:

495 | 112.3143 Voting conflicts.—

496 | (1) As used in this section:

497 | (a) "Principal by whom retained" means an individual or
498 | entity, other than an agency as defined in s. 112.312(2), that
499 | for compensation, salary, pay, consideration, or similar thing
500 | of value, has permitted or directed another to act for the
501 | individual or entity, and includes, but is not limited to, one's
502 | client, employer, or the parent, subsidiary, or sibling
503 | organization of one's client or employer.

504 (b)-(a) "Public officer" includes any person elected or
 505 appointed to hold office in any agency, including any person
 506 serving on an advisory body.

507 (c)-(b) "Relative" means any father, mother, son, daughter,
 508 husband, wife, brother, sister, father-in-law, mother-in-law,
 509 son-in-law, or daughter-in-law.

510 (d) "Special private gain or loss" means an economic
 511 benefit or harm that would inure to the officer, his or her
 512 relative, business associate, or principal. If a vote affects a
 513 class of people that includes the officer, his or her relative,
 514 business associate, or principal, at least the following factors
 515 must be considered when determining whether a special private
 516 gain or loss exists:

- 517 1. The size of the class affected by the vote.
- 518 2. The nature of the interests involved.
- 519 3. The degree to which the interests of all members of the
 520 class are affected by the vote.
- 521 4. The degree to which the officer, his or her relative,
 522 business associate, or principal receives a greater benefit or
 523 harm when compared to other members of the class.
- 524 5. The degree to which there is uncertainty at the time of
 525 the vote as to whether there would be any gain or loss to the
 526 public officer, his or her relative, business associate, or
 527 principal and, if so, what the nature or magnitude of the gain
 528 or loss might be.

529 (2) (a) A ~~no~~ state public officer may not vote on any
 530 matter that the officer knows would inure to his or her special
 531 private gain or loss ~~is prohibited from voting in an official~~

CS/HB 7131

2013

532 ~~capacity on any matter. However,~~ Any state public officer who
533 abstains from voting in an official capacity upon any measure
534 that ~~which~~ the officer knows would inure to the officer's
535 special private gain or loss, or who votes in an official
536 capacity on a measure that; ~~which~~ he or she knows would inure to
537 the special private gain or loss of any principal by whom the
538 officer is retained or to the parent organization or subsidiary
539 of a corporate principal by which the officer is retained other
540 than an agency as defined in s. 112.312(2); or which the officer
541 knows would inure to the special private gain or loss of a
542 relative or business associate of the public officer, shall make
543 every reasonable effort to, ~~within 15 days after the vote~~
544 ~~occurs,~~ disclose the nature of his or her interest as a public
545 record in a memorandum filed with the person responsible for
546 recording the minutes of the meeting, who shall incorporate the
547 memorandum in the minutes. If it is not possible for the state
548 public officer to file a memorandum before the vote, the
549 memorandum must be filed with the person responsible for
550 recording the minutes of the meeting no later than 15 days after
551 the vote.

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

556 (5) If disclosure of specific information would violate
557 confidentiality or privilege pursuant to law or rules governing
558 attorneys, a public officer, who is also an attorney, may comply
559 with the disclosure requirements of this section by disclosing

560 the nature of the interest in such a way as to provide the
561 public with notice of the conflict.

562 Section 7. Subsection (2) of section 112.3144, Florida
563 Statutes, is amended, present subsection (7) is renumbered as
564 subsection (9), and new subsections (7) and (8) are added to
565 that section, to read:

566 112.3144 Full and public disclosure of financial
567 interests.—

568 (2) A person who is required, pursuant to s. 8, Art. II of
569 the State Constitution, to file a full and public disclosure of
570 financial interests and who has filed a full and public
571 disclosure of financial interests for any calendar or fiscal
572 year shall not be required to file a statement of financial
573 interests pursuant to s. 112.3145(2) and (3) for the same year
574 or for any part thereof notwithstanding any requirement of this
575 part. When a candidate has qualified for office, the qualifying
576 officer shall forward an electronic copy of the full and public
577 disclosure of financial interests to the commission no later
578 than July 1. The electronic copy of the full and public
579 disclosure of financial interests satisfies the annual
580 disclosure requirement of this section. A candidate who does not
581 qualify until after the annual full and public disclosure has
582 been filed pursuant to this section, ~~except that a candidate for~~
583 office shall file a copy of his or her disclosure with the
584 officer before whom he or she qualifies.

585 (7) (a) The commission shall treat an amended full and
586 public disclosure of financial interests that is filed prior to
587 September 1 of the current year as the original filing,

588 regardless of whether a complaint has been filed. If a complaint
589 pertaining to the current year alleges a failure to properly and
590 accurately disclose any information required by this section or
591 if a complaint filed pertaining to a previous reporting period
592 within the preceding 5 years alleges a failure to properly and
593 accurately disclose any information required to be disclosed by
594 this section, the commission may immediately follow complaint
595 procedures in s. 112.324. However, if a complaint filed after
596 August 25 alleges an immaterial, inconsequential, or de minimis
597 error or omission, the commission may not take any action on the
598 complaint, other than notifying the filer of the complaint. The
599 filer must be given 30 days to file an amended full and public
600 disclosure of financial interests correcting any errors. If the
601 filer does not file an amended full and public disclosure of
602 financial interests within 30 days after the commission sends
603 notice of the complaint, the commission may continue with
604 proceedings pursuant to s. 112.324.

605 (b) For purposes of the final full and public disclosure
606 of financial interests, the commission shall treat a new final
607 full and public disclosure of financial interests as the
608 original filing if filed within 60 days after the original
609 filing, regardless of whether a complaint has been filed. If,
610 more than 60 days after a final full and public disclosure of
611 financial interests is filed, a complaint is filed alleging a
612 complete omission of any information required to be disclosed by
613 this section, the commission may immediately follow the
614 complaint procedures in s. 112.324. However, if the complaint
615 alleges an immaterial, inconsequential, or de minimis error or

616 omission, the commission may not take any action on the
617 complaint, other than notifying the filer of the complaint. The
618 filer must be given 30 days to file a new final full and public
619 disclosure of financial interests correcting any errors. If the
620 filer does not file a new final full and public disclosure of
621 financial interests within 30 days after the commission sends
622 notice of the complaint, the commission may continue with
623 proceedings pursuant to s. 112.324.

624 (c) For purposes of this section, an error or omission is
625 immaterial, inconsequential, or de minimis if the original
626 filing provided sufficient information for the public to
627 identify potential conflicts of interest.

628 (8)(a) An individual required to file a disclosure
629 pursuant to this section may have the disclosure prepared by an
630 attorney in good standing with The Florida Bar or by a certified
631 public accountant licensed under chapter 473. After preparing a
632 disclosure form, the attorney or certified public accountant
633 must sign the form indicating that he or she prepared the form
634 in accordance with this section and the instructions for
635 completing and filing the disclosure forms and that, upon his or
636 her reasonable knowledge and belief, the disclosure is true and
637 correct. If a complaint is filed alleging a failure to disclose
638 information required by this section, the commission shall
639 determine whether the information was disclosed to the attorney
640 or certified public accountant. The failure of the attorney or
641 certified public accountant to accurately transcribe information
642 provided by the individual required to file is not a violation
643 of this section.

644 (b) An elected officer or candidate who chooses to use an
645 attorney or a certified public accountant to prepare his or her
646 disclosure may pay for the services of the attorney or certified
647 public accountant from funds in an office account created
648 pursuant to s. 106.141 or, during a year that the individual
649 qualifies for election to public office, the candidate's
650 campaign depository pursuant to s. 106.021.

651 Section 8. Section 112.31445, Florida Statutes, is created
652 to read:

653 112.31445 Electronic filing system; full and public
654 disclosure of financial interests.-

655 (1) As used in this section, the term "electronic filing
656 system" means an Internet system for recording and reporting
657 full and public disclosure of financial interests or any other
658 form that is required pursuant to s. 112.3144.

659 (2) Beginning with the 2012 filing year, all full and
660 public disclosures of financial interests filed with the
661 commission pursuant to s. 8, Art. II of the State Constitution
662 or s. 112.3144 must be scanned and made publicly available by
663 the commission through a searchable Internet database.

664 (3) By December 1, 2015, the commission shall submit a
665 proposal to the President of the Senate and the Speaker of the
666 House of Representatives for a mandatory electronic filing
667 system. The proposal must, at a minimum:

668 (a) Provide for access through the Internet.

669 (b) Establish a procedure to make filings available in a
670 searchable format that is accessible by an individual using
671 standard web-browsing software.

672 (c) Provide for direct completion of the full and public
673 disclosure of financial interests forms as well as upload such
674 information using software approved by the commission.

675 (d) Provide a secure method that prevents unauthorized
676 access to electronic filing system functions.

677 (e) Provide a method for an attorney or certified public
678 accountant licensed in this state to sign the disclosure form to
679 indicate that he or she prepared the form in accordance with s.
680 112.3144 and the instructions for completing and filing the
681 disclosure form and that, upon his or her reasonable knowledge
682 and belief, the form is true and correct.

683 (f) Address whether additional statutory or rulemaking
684 authority is necessary for implementation of the system, and
685 must include, at a minimum, the following elements: alternate
686 filing procedures to be used in the event that the commission's
687 electronic filing system is inoperable, issuance of an
688 electronic receipt via electronic mail indicating and verifying
689 to the individual who submitted the full and public disclosure
690 of financial interests form that the form has been filed, and a
691 determination of the feasibility and necessity of including
692 statements of financial interests filed pursuant to s. 112.3145
693 in the proposed system.

694 Section 9. Paragraphs (a) and (b) of subsection (1),
695 paragraph (a) of subsection (2), and subsection (3) of section
696 112.3145, Florida Statutes, are amended, present subsection (9)
697 of that section is renumbered as subsection (11), and new
698 subsections (9) and (10) are added to that section, to read:

699 112.3145 Disclosure of financial interests and clients

700 represented before agencies.—

701 (1) For purposes of this section, unless the context
702 otherwise requires, the term:

703 (a) "Local officer" means:

704 1. Every person who is elected to office in any political
705 subdivision of the state, and every person who is appointed to
706 fill a vacancy for an unexpired term in such an elective office.

707 2. Any appointed member of any of the following boards,
708 councils, commissions, authorities, or other bodies of any
709 county, municipality, school district, independent special
710 district, or other political subdivision of the state:

711 a. The governing body of the political subdivision, if
712 appointed;

713 ~~b. An expressway authority or transportation authority~~
714 ~~established by general law;~~

715 b.e. A community college or junior college district board
716 of trustees;

717 c.d. A board having the power to enforce local code
718 provisions;

719 d.e. A planning or zoning board, board of adjustment,
720 board of appeals, community redevelopment agency board, or other
721 board having the power to recommend, create, or modify land
722 planning or zoning within the political subdivision, except for
723 citizen advisory committees, technical coordinating committees,
724 and such other groups who only have the power to make
725 recommendations to planning or zoning boards;

726 e.f. A pension board or retirement board having the power
727 to invest pension or retirement funds or the power to make a

728 binding determination of one's entitlement to or amount of a
 729 pension or other retirement benefit; or
 730 ~~f.g.~~ Any other appointed member of a local government
 731 board who is required to file a statement of financial interests
 732 by the appointing authority or the enabling legislation,
 733 ordinance, or resolution creating the board.

734 3. Any person holding one or more of the following
 735 positions: mayor; county or city manager; chief administrative
 736 employee of a county, municipality, or other political
 737 subdivision; county or municipal attorney; finance director of a
 738 county, municipality, or other political subdivision; chief
 739 county or municipal building code inspector; county or municipal
 740 water resources coordinator; county or municipal pollution
 741 control director; county or municipal environmental control
 742 director; county or municipal administrator, with power to grant
 743 or deny a land development permit; chief of police; fire chief;
 744 municipal clerk; district school superintendent; community
 745 college president; district medical examiner; or purchasing
 746 agent having the authority to make any purchase exceeding the
 747 threshold amount provided for in s. 287.017 for CATEGORY ONE, on
 748 behalf of any political subdivision of the state or any entity
 749 thereof.

750 (b) "Specified state employee" means:

751 1. Public counsel created by chapter 350, an assistant
 752 state attorney, an assistant public defender, a criminal
 753 conflict and civil regional counsel, an assistant criminal
 754 conflict and civil regional counsel, a full-time state employee
 755 who serves as counsel or assistant counsel to any state agency,

756 the Deputy Chief Judge of Compensation Claims, a judge of
757 compensation claims, an administrative law judge, or a hearing
758 officer.

759 2. Any person employed in the office of the Governor or in
760 the office of any member of the Cabinet if that person is exempt
761 from the Career Service System, except persons employed in
762 clerical, secretarial, or similar positions.

763 3. The State Surgeon General or each appointed secretary,
764 assistant secretary, deputy secretary, executive director,
765 assistant executive director, or deputy executive director of
766 each state department, commission, board, or council; unless
767 otherwise provided, the division director, assistant division
768 director, deputy director, bureau chief, and assistant bureau
769 chief of any state department or division; or any person having
770 the power normally conferred upon such persons, by whatever
771 title.

772 4. The superintendent or institute director of a state
773 mental health institute established for training and research in
774 the mental health field or the warden or director of any major
775 state institution or facility established for corrections,
776 training, treatment, or rehabilitation.

777 5. Business managers, purchasing agents having the power
778 to make any purchase exceeding the threshold amount provided for
779 in s. 287.017 for CATEGORY ONE, finance and accounting
780 directors, personnel officers, or grants coordinators for any
781 state agency.

782 6. Any person, other than a legislative assistant exempted
783 by the presiding officer of the house by which the legislative

784 assistant is employed, who is employed in the legislative branch
785 of government, except persons employed in maintenance, clerical,
786 secretarial, or similar positions.

787 7. Each employee of the Commission on Ethics.

788 (2) (a) A person seeking nomination or election to a state
789 or local elective office shall file a statement of financial
790 interests together with, and at the same time he or she files,
791 qualifying papers. When a candidate has qualified for office
792 prior to the deadline to file an annual statement of financial
793 interests, the statement of financial interests that is filed
794 with the candidate's qualifying papers shall be deemed to
795 satisfy the annual disclosure requirement of this section. The
796 qualifying officer must record that the statement of financial
797 interests was timely filed. However, if a candidate does not
798 qualify until after the annual statement of financial interests
799 has been filed, the candidate may file a copy of his or her
800 statement with the qualifying officer.

801 (3) The statement of financial interests for state
802 officers, specified state employees, local officers, and persons
803 seeking to qualify as candidates for state or local office shall
804 be filed even if the reporting person holds no financial
805 interests requiring disclosure, in which case the statement
806 shall be marked "not applicable." Otherwise, the statement of
807 financial interests shall include, at the filer's option,
808 either:

809 (a)1. All sources of income in excess of 5 percent of the
810 gross income received during the disclosure period by the person
811 in his or her own name or by any other person for his or her use

812 or benefit, excluding public salary. However, this shall not be
813 construed to require disclosure of a business partner's sources
814 of income. The person reporting shall list such sources in
815 descending order of value with the largest source first;

816 2. All sources of income to a business entity in excess of
817 10 percent of the gross income of a business entity in which the
818 reporting person held a material interest and from which he or
819 she received an amount which was in excess of 10 percent of his
820 or her gross income during the disclosure period and which
821 exceeds \$1,500. The period for computing the gross income of the
822 business entity is the fiscal year of the business entity which
823 ended on, or immediately prior to, the end of the disclosure
824 period of the person reporting;

825 3. The location or description of real property in this
826 state, except for residences and vacation homes, owned directly
827 or indirectly by the person reporting, when such person owns in
828 excess of 5 percent of the value of such real property, and a
829 general description of any intangible personal property worth in
830 excess of 10 percent of such person's total assets. For the
831 purposes of this paragraph, indirect ownership does not include
832 ownership by a spouse or minor child; and

833 4. Every individual liability that equals more than the
834 reporting person's net worth; or

835 (b)1. All sources of gross income in excess of \$2,500
836 received during the disclosure period by the person in his or
837 her own name or by any other person for his or her use or
838 benefit, excluding public salary. However, this shall not be
839 construed to require disclosure of a business partner's sources

840 of income. The person reporting shall list such sources in
 841 descending order of value with the largest source first;

842 2. All sources of income to a business entity in excess of
 843 10 percent of the gross income of a business entity in which the
 844 reporting person held a material interest and from which he or
 845 she received gross income exceeding \$5,000 during the disclosure
 846 period. The period for computing the gross income of the
 847 business entity is the fiscal year of the business entity which
 848 ended on, or immediately prior to, the end of the disclosure
 849 period of the person reporting;

850 3. The location or description of real property in this
 851 state, except for residence and vacation homes, owned directly
 852 or indirectly by the person reporting, when such person owns in
 853 excess of 5 percent of the value of such real property, and a
 854 general description of any intangible personal property worth in
 855 excess of \$10,000. For the purpose of this paragraph, indirect
 856 ownership does not include ownership by a spouse or minor child;
 857 and

858 4. Every liability in excess of \$10,000.

859
 860 A person filing a statement of financial interests shall
 861 indicate on the statement whether he or she is using the method
 862 specified in paragraph (a) or paragraph (b) of this subsection.

863 (9) (a) The commission shall treat an amended statement of
 864 financial interests that is filed prior to September 1 of the
 865 current year as the original filing, regardless of whether a
 866 complaint has been filed. If a complaint pertaining to the
 867 current year alleges a failure to properly and accurately

CS/HB 7131

2013

868 disclose any information required by this section or if a
869 complaint filed pertaining to a previous reporting period within
870 the preceding 5 years alleges a failure to properly and
871 accurately disclose any information required to be disclosed by
872 this section, the commission may immediately follow complaint
873 procedures in s. 112.324. However, if a complaint filed after
874 August 25 alleges an immaterial, inconsequential, or de minimis
875 error or omission, the commission may not take any action on the
876 complaint, other than notifying the filer of the complaint. The
877 filer must be given 30 days to file an amended statement of
878 financial interests correcting any errors. If the filer does not
879 file an amended statement of financial interests within 30 days
880 after the commission sends notice of the complaint, the
881 commission may continue with proceedings pursuant to s. 112.324.

882 (b) For purposes of the final statement of financial
883 interests, the commission shall treat a new final statement of
884 financial interests, as the original filing, if filed within 60
885 days of the original filing regardless of whether a complaint
886 has been filed. If, more than 60 days after a final statement of
887 financial interests is filed, a complaint is filed alleging a
888 complete omission of any information required to be disclosed by
889 this section, the commission may immediately follow the
890 complaint procedures in s. 112.324. However, if the complaint
891 alleges an immaterial, inconsequential, or de minimis error or
892 omission, the commission may not take any action on the
893 complaint other than notifying the filer of the complaint. The
894 filer must be given 30 days to file a new final statement of
895 financial interests correcting any errors. If the filer does not

CS/HB 7131

2013

896 file a new final statement of financial interests within 30 days
897 after the commission sends notice of the complaint, the
898 commission may continue with proceedings pursuant to s. 112.324.

899 (c) For purposes of this section, an error or omission is
900 immaterial, inconsequential, or de minimis if the original
901 filing provided sufficient information for the public to
902 identify potential conflicts of interest.

903 (10) (a) An individual required to file a disclosure
904 pursuant to this section may have the disclosure prepared by an
905 attorney in good standing with The Florida Bar or by a certified
906 public accountant licensed under chapter 473. After preparing a
907 disclosure form, the attorney or certified public accountant
908 must sign the form indicating that he or she prepared the form
909 in accordance with this section and the instructions for
910 completing and filing the disclosure forms and that, upon his or
911 her reasonable knowledge and belief, the disclosure is true and
912 correct. If a complaint is filed alleging a failure to disclose
913 information required by this section, the commission shall
914 determine whether the information was disclosed to the attorney
915 or certified public accountant. The failure of the attorney or
916 certified public accountant to accurately transcribe information
917 provided by the individual who is required to file the
918 disclosure does not constitute a violation of this section.

919 (b) An elected officer or candidate who chooses to use an
920 attorney or a certified public accountant to prepare his or her
921 disclosure may pay for the services of the attorney or certified
922 public accountant from funds in an office account created
923 pursuant to s. 106.141 or, during a year that the individual

924 qualifies for election to public office, the candidate's
925 campaign depository pursuant to s. 106.021.

926 Section 10. Section 112.31455, Florida Statutes, is
927 created to read:

928 112.31455 Collection methods for unpaid automatic fines
929 for failure to timely file disclosure of financial interests.-

930 (1) Before referring any unpaid fine accrued pursuant to
931 s. 112.3144(5) or s. 112.3145(6) to the Department of Financial
932 Services, the commission shall attempt to determine whether the
933 individual owing such a fine is a current public officer or
934 current public employee. If so, the commission may notify the
935 Chief Financial Officer or the governing body of the appropriate
936 county, municipality, or special district of the total amount of
937 any fine owed to the commission by such individual.

938 (a) After receipt and verification of the notice from the
939 commission, the Chief Financial Officer or the governing body of
940 the county, municipality, or special district shall begin
941 withholding the lesser of 10 percent or the maximum amount
942 allowed under federal law from any salary-related payment. The
943 withheld payments shall be remitted to the commission until the
944 fine is satisfied.

945 (b) The Chief Financial Officer or the governing body of
946 the county, municipality, or special district may retain an
947 amount of each withheld payment, as provided in s. 77.0305, to
948 cover the administrative costs incurred under this section.

949 (2) If the commission determines that the individual who
950 is the subject of an unpaid fine accrued pursuant to s.
951 112.3144(5) or s. 112.3145(6) is no longer a public officer or

CS/HB 7131

2013

952 public employee or if the commission is unable to determine
953 whether the individual is a current public officer or public
954 employee, the commission may, 6 months after the order becomes
955 final, seek garnishment of any wages to satisfy the amount of
956 the fine, or any unpaid portion thereof, pursuant to chapter 77.
957 Upon recording the order imposing the fine with the clerk of the
958 circuit court, the order shall be deemed a judgment for purposes
959 of garnishment pursuant to chapter 77.

960 (3) The commission may refer unpaid fines to the
961 appropriate collection agency, as directed by the Chief
962 Financial Officer, to utilize any collection methods provided by
963 law. Except as expressly limited by this section, any other
964 collection methods authorized by law are allowed.

965 (4) Action may be taken to collect any unpaid fine imposed
966 by ss. 112.3144 and 112.3145 within 20 years after the date the
967 final order is rendered.

968 Section 11. Section 112.3147, Florida Statutes, is amended
969 to read:

970 112.3147 Forms.—Except as otherwise provided, all
971 information required to be furnished by ss. 112.313, 112.3143,
972 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II
973 of the State Constitution shall be on forms prescribed by the
974 Commission on Ethics.

975 Section 12. Paragraph (e) of subsection (2) of section
976 112.3148, Florida Statutes, is amended and paragraph (f) is
977 added to that subsection, and subsections (3) through (5) of
978 that section are amended, to read:

979 112.3148 Reporting and prohibited receipt of gifts by

980 individuals filing full or limited public disclosure of
 981 financial interests and by procurement employees.—

982 (2) As used in this section:

983 (e) "Procurement employee" means any employee of an
 984 officer, department, board, commission, ~~or~~ council, or agency of
 985 the executive branch or judicial branch of state government who
 986 has participated in the preceding 12 months ~~participates~~ through
 987 decision, approval, disapproval, recommendation, preparation of
 988 any part of a purchase request, influencing the content of any
 989 specification or procurement standard, rendering of advice,
 990 investigation, or auditing or in any other advisory capacity in
 991 the procurement of contractual services or commodities as
 992 defined in s. 287.012, if the cost of such services or
 993 commodities exceeds or is expected to exceed \$10,000 ~~\$1,000~~ in
 994 any fiscal year.

995 (f) "Vendor" means a business entity doing business
 996 directly with an agency, such as renting, leasing, or selling
 997 any realty, goods, or services.

998 (3) A reporting individual or procurement employee is
 999 prohibited from soliciting any gift from a vendor doing business
 1000 with the reporting individual's or procurement employee's
 1001 agency, a political committee ~~or committee of continuous~~
 1002 ~~existence,~~ as defined in s. 106.011, or ~~from~~ a lobbyist who
 1003 lobbies the reporting individual's or procurement employee's
 1004 agency, or the partner, firm, employer, or principal of such
 1005 lobbyist, where such gift is for the personal benefit of the
 1006 reporting individual or procurement employee, another reporting
 1007 individual or procurement employee, or any member of the

1008 immediate family of a reporting individual or procurement
 1009 employee.

1010 (4) A reporting individual or procurement employee or any
 1011 other person on his or her behalf is prohibited from knowingly
 1012 accepting, directly or indirectly, a gift from a vendor doing
 1013 business with the reporting individual's or procurement
 1014 employee's agency, a political committee ~~or committee of~~
 1015 ~~continuous existence~~, as defined in s. 106.011, or ~~from~~ a
 1016 lobbyist who lobbies the reporting individual's or procurement
 1017 employee's agency, or directly or indirectly on behalf of the
 1018 partner, firm, employer, or principal of a lobbyist, if he or
 1019 she knows or reasonably believes that the gift has a value in
 1020 excess of \$100; however, such a gift may be accepted by such
 1021 person on behalf of a governmental entity or a charitable
 1022 organization. If the gift is accepted on behalf of a
 1023 governmental entity or charitable organization, the person
 1024 receiving the gift shall not maintain custody of the gift for
 1025 any period of time beyond that reasonably necessary to arrange
 1026 for the transfer of custody and ownership of the gift.

1027 (5) (a) A vendor doing business with the reporting
 1028 individual's or procurement employee's agency; a political
 1029 committee ~~or a committee of continuous existence~~, as defined in
 1030 s. 106.011; a lobbyist who lobbies a reporting individual's or
 1031 procurement employee's agency; the partner, firm, employer, or
 1032 principal of a lobbyist; or another on behalf of the lobbyist or
 1033 partner, firm, principal, or employer of the lobbyist is
 1034 prohibited from giving, either directly or indirectly, a gift
 1035 that has a value in excess of \$100 to the reporting individual

CS/HB 7131

2013

1036 or procurement employee or any other person on his or her
1037 behalf; however, such person may give a gift having a value in
1038 excess of \$100 to a reporting individual or procurement employee
1039 if the gift is intended to be transferred to a governmental
1040 entity or a charitable organization.

1041 (b) However, a person who is regulated by this subsection,
1042 who is not regulated by subsection (6), and who makes, or
1043 directs another to make, an individual gift having a value in
1044 excess of \$25, but not in excess of \$100, other than a gift that
1045 the donor knows will be accepted on behalf of a governmental
1046 entity or charitable organization, must file a report on the
1047 last day of each calendar quarter for the previous calendar
1048 quarter in which a reportable gift is made. The report shall be
1049 filed with the Commission on Ethics, except with respect to
1050 gifts to reporting individuals of the legislative branch, in
1051 which case the report shall be filed with the Office of
1052 Legislative Services. The report must contain a description of
1053 each gift, the monetary value thereof, the name and address of
1054 the person making such gift, the name and address of the
1055 recipient of the gift, and the date such gift is given. In
1056 addition, if a gift is made which requires the filing of a
1057 report under this subsection, the donor must notify the intended
1058 recipient at the time the gift is made that the donor, or
1059 another on his or her behalf, will report the gift under this
1060 subsection. Under this paragraph, a gift need not be reported by
1061 more than one person or entity.

1062 Section 13. Paragraph (e) of subsection (1) of section
1063 112.3149, Florida Statutes, is amended, and paragraph (f) is

CS/HB 7131

2013

1064 added to that subsection, and subsections (3) and (4) of that
1065 section are amended, to read:

1066 112.3149 Solicitation and disclosure of honoraria.—

1067 (1) As used in this section:

1068 (e) "Procurement employee" means any employee of an
1069 officer, department, board, commission, ~~or~~ council, or agency of
1070 the executive branch or judicial branch of state government who
1071 has participated in the preceding 12 months ~~participates~~ through
1072 decision, approval, disapproval, recommendation, preparation of
1073 any part of a purchase request, influencing the content of any
1074 specification or procurement standard, rendering of advice,
1075 investigation, or auditing or in any other advisory capacity in
1076 the procurement of contractual services or commodities as
1077 defined in s. 287.012, if the cost of such services or
1078 commodities exceeds \$10,000 ~~\$1,000~~ in any fiscal year.

1079 (f) "Vendor" means a business entity doing business
1080 directly with an agency, such as renting, leasing, or selling
1081 any realty, goods, or services.

1082 (3) A reporting individual or procurement employee is
1083 prohibited from knowingly accepting an honorarium from a
1084 political committee ~~or committee of continuous existence~~, as
1085 defined in s. 106.011, from a vendor doing business with the
1086 reporting individual's or procurement employee's agency, from a
1087 lobbyist who lobbies the reporting individual's or procurement
1088 employee's agency, or from the employer, principal, partner, or
1089 firm of such a lobbyist.

1090 (4) A political committee ~~or committee of continuous~~
1091 ~~existence~~, as defined in s. 106.011, a vendor doing business

1092 | with the reporting individual's or procurement employee's
 1093 | agency, a lobbyist who lobbies a reporting individual's or
 1094 | procurement employee's agency, or the employer, principal,
 1095 | partner, or firm of such a lobbyist is prohibited from giving an
 1096 | honorarium to a reporting individual or procurement employee.

1097 | Section 14. Section 112.317, Florida Statutes, is amended
 1098 | to read:

1099 | 112.317 Penalties.—

1100 | (1) Any violation of ~~any provision of~~ this part,
 1101 | including, but not limited to, ~~any~~ failure to file ~~any~~
 1102 | disclosures required by this part or violation of any standard
 1103 | of conduct imposed by this part, or any violation of ~~any~~
 1104 | ~~provision of~~ s. 8, Art. II of the State Constitution, in
 1105 | addition to any criminal penalty or other civil penalty
 1106 | involved, ~~shall,~~ under applicable constitutional and statutory
 1107 | procedures, constitutes ~~constitute~~ grounds for, and may be
 1108 | punished by, one or more of the following:

1109 | (a) In the case of a public officer:

- 1110 | 1. Impeachment.
- 1111 | 2. Removal from office.
- 1112 | 3. Suspension from office.
- 1113 | 4. Public censure and reprimand.
- 1114 | 5. Forfeiture of no more than one-third of his or her
 1115 | salary per month for no more than 12 months.
- 1116 | 6. A civil penalty not to exceed \$10,000.
- 1117 | 7. Restitution of any pecuniary benefits received because
 1118 | of the violation committed. The commission may recommend that
 1119 | the restitution penalty be paid to the agency of which the

CS/HB 7131

2013

1120 public officer was a member or to the General Revenue Fund.

1121 (b) In the case of an employee or a person designated as a
 1122 public officer by this part who otherwise would be deemed to be
 1123 an employee:

- 1124 1. Dismissal from employment.
- 1125 2. Suspension from employment for not more than 90 days
 1126 without pay.
- 1127 3. Demotion.
- 1128 4. Reduction in his or her salary level.
- 1129 5. Forfeiture of no more than one-third salary per month
 1130 for no more than 12 months.
- 1131 6. A civil penalty not to exceed \$10,000.
- 1132 7. Restitution of any pecuniary benefits received because
 1133 of the violation committed. The commission may recommend that
 1134 the restitution penalty be paid to the agency by which the
 1135 public employee was employed, or of which the officer was deemed
 1136 to be an employee, or to the General Revenue Fund.
- 1137 8. Public censure and reprimand.

1138 (c) In the case of a candidate who violates ~~the provisions~~
 1139 ~~of~~ this part or s. 8(a) and (i), Art. II of the State
 1140 Constitution:

- 1141 1. Disqualification from being on the ballot.
- 1142 2. Public censure.
- 1143 3. Reprimand.
- 1144 4. A civil penalty not to exceed \$10,000.

1145 (d) In the case of a former public officer or employee who
 1146 has violated a provision applicable to former officers or
 1147 employees or whose violation occurred before the officer's or

1148 | employee's leaving public office or employment:

1149 | 1. Public censure and reprimand.

1150 | 2. A civil penalty not to exceed \$10,000.

1151 | 3. Restitution of any pecuniary benefits received because
 1152 | of the violation committed. The commission may recommend that
 1153 | the restitution penalty be paid to the agency of the public
 1154 | officer or employee or to the General Revenue Fund.

1155 | (e) In the case of a person who is subject to the
 1156 | standards of this part, other than a lobbyist or lobbying firm
 1157 | under s. 112.3215 for a violation of s. 112.3215, but who is not
 1158 | a public officer or employee:

1159 | 1. Public censure and reprimand.

1160 | 2. A civil penalty not to exceed \$10,000.

1161 | 3. Restitution of any pecuniary benefits received because
 1162 | of the violation committed. The commission may recommend that
 1163 | the restitution penalty be paid to the agency of the person or
 1164 | to the General Revenue Fund.

1165 | (2) In any case in which the commission finds a violation
 1166 | of this part or of s. 8, Art. II of the State Constitution and
 1167 | the proper disciplinary official or body under s. 112.324
 1168 | imposes a civil penalty or restitution penalty, the Attorney
 1169 | General shall bring a civil action to recover such penalty. No
 1170 | defense may be raised in the civil action to enforce the civil
 1171 | penalty or order of restitution that could have been raised by
 1172 | judicial review of the administrative findings and
 1173 | recommendations of the commission by certiorari to the district
 1174 | court of appeal. The Attorney General shall collect any costs,
 1175 | attorney's fees, expert witness fees, or other costs of

1176 collection incurred in bringing the action.

1177 (3) The penalties prescribed in this part shall not be
1178 construed to limit or to conflict with:

1179 (a) The power of either house of the Legislature to
1180 discipline its own members or impeach a public officer.

1181 (b) The power of agencies to discipline officers or
1182 employees.

1183 (4) Any violation of this part or of s. 8, Art. II of the
1184 State Constitution by a public officer constitutes ~~shall~~
1185 ~~constitute~~ malfeasance, misfeasance, or neglect of duty in
1186 office within the meaning of s. 7, Art. IV of the State
1187 Constitution.

1188 (5) By order of the Governor, upon recommendation of the
1189 commission, any elected municipal officer who violates ~~any~~
1190 ~~provision of~~ this part or ~~of~~ s. 8, Art. II of the State
1191 Constitution may be suspended from office and the office filled
1192 by appointment for the period of suspension. The suspended
1193 officer may at any time before removal be reinstated by the
1194 Governor. The Senate may, in proceedings prescribed by law,
1195 remove from office, or reinstate, the suspended official, and
1196 for such purpose the Senate may be convened in special session
1197 by its President or by a majority of its membership.

1198 (6) In any case in which the commission finds probable
1199 cause to believe that a complainant has committed perjury in
1200 regard to any document filed with, or any testimony given
1201 before, the commission, it shall refer such evidence to the
1202 appropriate law enforcement agency for prosecution and taxation
1203 of costs.

CS/HB 7131

2013

1204 (7) In any case in which the commission determines that a
1205 person has filed a complaint against a public officer or
1206 employee with a malicious intent to injure the reputation of
1207 such officer or employee by filing the complaint with knowledge
1208 that the complaint contains one or more false allegations or
1209 with reckless disregard for whether the complaint contains false
1210 allegations of fact material to a violation of this part, the
1211 complainant shall be liable for costs plus reasonable attorney
1212 ~~attorney's~~ fees incurred in the defense of the person complained
1213 against, including the costs and reasonable attorney ~~attorney's~~
1214 fees incurred in proving entitlement to and the amount of costs
1215 and fees. If the complainant fails to pay such costs and fees
1216 voluntarily within 30 days following such finding by the
1217 commission, the commission shall forward such information to the
1218 Department of Legal Affairs, which shall bring a civil action in
1219 a court of competent jurisdiction to recover the amount of such
1220 costs and fees awarded by the commission.

1221 Section 15. Paragraphs (a) and (c) of subsection (8) and
1222 subsection (10) of section 112.3215, Florida Statutes, are
1223 amended, present subsections (11) through (14) are renumbered as
1224 (12) through (15), respectively, and a new subsection (11) is
1225 added to that section to read:

1226 112.3215 Lobbying before the executive branch or the
1227 Constitution Revision Commission; registration and reporting;
1228 investigation by commission.—

1229 (8) (a) The commission shall investigate every sworn
1230 complaint that is filed with it alleging that a person covered
1231 by this section has failed to register, has failed to submit a

1232 compensation report, has made a prohibited expenditure, or has
 1233 knowingly submitted false information in any report or
 1234 registration required in this section.

1235 (c) The commission shall investigate any lobbying firm,
 1236 lobbyist, principal, agency, officer, or employee upon receipt
 1237 of information from a sworn complaint or from a random audit of
 1238 lobbying reports indicating a possible violation other than a
 1239 late-filed report.

1240 (10) If the Governor and Cabinet finds that a violation
 1241 occurred, it may reprimand the violator, censure the violator,
 1242 or prohibit the violator from lobbying all agencies for a period
 1243 not to exceed 2 years. If the violator is a lobbying firm,
 1244 lobbyist, or principal, the Governor and Cabinet may also assess
 1245 a fine of not more than \$5,000 to be deposited in the Executive
 1246 Branch Lobby Registration Trust Fund.

1247 (11) Any person who is required to be registered or to
 1248 provide information under this section or under rules adopted
 1249 pursuant to this section and who knowingly fails to disclose any
 1250 material fact that is required by this section or by rules
 1251 adopted pursuant to this section, or who knowingly provides
 1252 false information on any report required by this section or by
 1253 rules adopted pursuant to this section, commits a noncriminal
 1254 infraction, punishable by a fine not to exceed \$5,000. Such
 1255 penalty is in addition to any other penalty assessed by the
 1256 Governor and Cabinet pursuant to subsection (10).

1257 Section 16. Section 112.324, Florida Statutes, is amended
 1258 to read:

1259 112.324 Procedures on complaints of violations and

1260 referrals; public records and meeting exemptions.—

1261 ~~(1) Upon a written complaint executed on a form prescribed~~
 1262 ~~by the commission and signed under oath or affirmation by any~~
 1263 ~~person,~~ The commission shall investigate an ~~any~~ alleged
 1264 violation of this part or ~~any~~ other alleged breach of the public
 1265 trust within the jurisdiction of the commission as provided in
 1266 s. 8(f), Art. II of the State Constitution; ~~in accordance with~~
 1267 ~~procedures set forth herein.~~

1268 (a) Upon a written complaint executed on a form prescribed
 1269 by the commission and signed under oath of affirmation by any
 1270 person; or

1271 (b) Upon receipt of a written referral of a possible
 1272 violation of this part or other possible breach of the public
 1273 trust from the Governor, the Department of Law Enforcement, a
 1274 state attorney, or a United States Attorney which at least six
 1275 members of the commission determine is sufficient to indicate a
 1276 violation of this part or any other breach of the public trust.

1277
 1278 Within 5 days after receipt of a complaint by the commission or
 1279 a determination by at least six members of the commission that
 1280 the referral received is deemed sufficient, a copy shall be
 1281 transmitted to the alleged violator.

1282 (2) (a) The complaint and records relating to the complaint
 1283 or to any preliminary investigation held by the commission or
 1284 its agents, by a Commission on Ethics and Public Trust
 1285 established by any county defined in s. 125.011(1) or by any
 1286 municipality defined in s. 165.031, or by any county or
 1287 municipality that has established a local investigatory process

1288 | to enforce more stringent standards of conduct and disclosure
 1289 | requirements as provided in s. 112.326 are confidential and
 1290 | exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1291 | of the State Constitution.

1292 | (b) Any proceeding conducted by the commission, a
 1293 | Commission on Ethics and Public Trust, or a county or
 1294 | municipality that has established such local investigatory
 1295 | process, pursuant to a complaint or preliminary investigation,
 1296 | is exempt from the provisions of s. 286.011, s. 24(b), Art. I of
 1297 | the State Constitution, and s. 120.525.

1298 | (c) The exemptions in paragraphs (a) and (b) apply until
 1299 | the complaint is dismissed as legally insufficient, until the
 1300 | alleged violator requests in writing that such records and
 1301 | proceedings be made public, or until the commission, a
 1302 | Commission on Ethics and Public Trust, or a county or
 1303 | municipality that has established such local investigatory
 1304 | process determines, based on such investigation, whether
 1305 | probable cause exists to believe that a violation has occurred.
 1306 | ~~In no event shall~~ A complaint or referral under this part
 1307 | against a candidate in any general, special, or primary election
 1308 | may not be filed nor may ~~or~~ any intention of filing such a
 1309 | complaint or referral be disclosed on the day of any such
 1310 | election or within the 30 ~~5~~ days immediately preceding the date
 1311 | of the election, unless the complaint or referral is based upon
 1312 | personal information or information other than hearsay.

1313 | (d) This subsection is subject to the Open Government
 1314 | Sunset Review Act in accordance with s. 119.15 and shall stand
 1315 | repealed on October 2, 2015, unless reviewed and saved from

1316 | repeal through reenactment by the Legislature.

1317 | (3) A preliminary investigation shall be undertaken by the

1318 | commission of each legally sufficient complaint or referral over

1319 | which the commission has jurisdiction to determine whether there

1320 | is probable cause to believe that a violation has occurred. If,

1321 | upon completion of the preliminary investigation, the commission

1322 | finds no probable cause to believe that this part has been

1323 | violated or that any other breach of the public trust has been

1324 | committed, the commission shall dismiss the complaint or

1325 | referral with the issuance of a public report to the complainant

1326 | and the alleged violator, stating with particularity its reasons

1327 | for dismissal ~~of the complaint~~. At that time, the complaint or

1328 | referral and all materials relating to the complaint or referral

1329 | shall become a matter of public record. If the commission finds

1330 | from the preliminary investigation probable cause to believe

1331 | that this part has been violated or that any other breach of the

1332 | public trust has been committed, it shall so notify the

1333 | complainant and the alleged violator in writing. Such

1334 | notification and all documents made or received in the

1335 | disposition of the complaint or referral shall then become

1336 | public records. Upon request submitted to the commission in

1337 | writing, any person who the commission finds probable cause to

1338 | believe has violated any provision of this part or has committed

1339 | any other breach of the public trust shall be entitled to a

1340 | public hearing. Such person shall be deemed to have waived the

1341 | right to a public hearing if the request is not received within

1342 | 14 days following the mailing of the probable cause notification

1343 | required by this subsection. However, the commission may on its

CS/HB 7131

2013

1344 own motion, require a public hearing, may conduct such further
1345 investigation as it deems necessary, and may enter into such
1346 stipulations and settlements as it finds to be just and in the
1347 best interest of the state. The commission is without
1348 jurisdiction to, and no respondent may voluntarily or
1349 involuntarily, enter into a stipulation or settlement which
1350 imposes any penalty, including, but not limited to, a sanction
1351 or admonition or any other penalty contained in s. 112.317.
1352 Penalties shall be imposed only by the appropriate disciplinary
1353 authority as designated in this section.

1354 (4) If, in cases pertaining to members of the Legislature,
1355 upon completion of a full and final investigation by the
1356 commission, the commission finds that there has been a violation
1357 of this part or of any provision of s. 8, Art. II of the State
1358 Constitution, the commission shall forward a copy of the
1359 complaint or referral and its findings by certified mail to the
1360 President of the Senate or the Speaker of the House of
1361 Representatives, whichever is applicable, who shall refer the
1362 complaint or referral to the appropriate committee for
1363 investigation and action which shall be governed by the rules of
1364 its respective house. It is ~~shall be~~ the duty of the committee
1365 to report its final action upon the matter ~~complaint~~ to the
1366 commission within 90 days of the date of transmittal to the
1367 respective house. Upon request of the committee, the commission
1368 shall submit a recommendation as to what penalty, if any, should
1369 be imposed. In the case of a member of the Legislature, the
1370 house in which the member serves has ~~shall have~~ the power to
1371 invoke the penalty provisions of this part.

CS/HB 7131

2013

1372 (5) If, in cases ~~pertaining to complaints~~ against
1373 impeachable officers, upon completion of a full and final
1374 investigation by the commission, the commission finds that there
1375 has been a violation of this part or of any provision of s. 8,
1376 Art. II of the State Constitution, and the commission finds that
1377 the violation may constitute grounds for impeachment, the
1378 commission shall forward a copy of the complaint or referral and
1379 its findings by certified mail to the Speaker of the House of
1380 Representatives, who shall refer the complaint or referral to
1381 the appropriate committee for investigation and action which
1382 shall be governed by the rules of the House of Representatives.
1383 It is ~~shall be~~ the duty of the committee to report its final
1384 action upon the matter ~~complaint~~ to the commission within 90
1385 days of the date of transmittal.

1386 (6) If the commission finds that there has been a
1387 violation of this part or of any provision of s. 8, Art. II of
1388 the State Constitution by an impeachable officer other than the
1389 Governor, and the commission recommends public censure and
1390 reprimand, forfeiture of a portion of the officer's salary, a
1391 civil penalty, or restitution, the commission shall report its
1392 findings and recommendation of disciplinary action to the
1393 Governor, who has ~~shall have~~ the power to invoke the penalty
1394 provisions of this part.

1395 (7) If the commission finds that there has been a
1396 violation of this part or of any provision of s. 8, Art. II of
1397 the State Constitution by the Governor, and the commission
1398 recommends public censure and reprimand, forfeiture of a portion
1399 of the Governor's salary, a civil penalty, or restitution, the

CS/HB 7131

2013

1400 commission shall report its findings and recommendation of
1401 disciplinary action to the Attorney General, who shall have the
1402 power to invoke the penalty provisions of this part.

1403 (8) If, in cases ~~pertaining to complaints~~ other than
1404 complaints or referrals against impeachable officers or members
1405 of the Legislature, upon completion of a full and final
1406 investigation by the commission, the commission finds that there
1407 has been a violation of this part or of s. 8, Art. II of the
1408 State Constitution, it is ~~shall be~~ the duty of the commission to
1409 report its findings and recommend appropriate action to the
1410 proper disciplinary official or body as follows, and such
1411 official or body has ~~shall have~~ the power to invoke the penalty
1412 provisions of this part, including the power to order the
1413 appropriate elections official to remove a candidate from the
1414 ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art.
1415 II of the State Constitution:

1416 (a) The President of the Senate and the Speaker of the
1417 House of Representatives, jointly, in any case concerning the
1418 Public Counsel, members of the Public Service Commission,
1419 members of the Public Service Commission Nominating Council, the
1420 Auditor General, or the director of the Office of Program Policy
1421 Analysis and Government Accountability.

1422 (b) The Supreme Court, in any case concerning an employee
1423 of the judicial branch.

1424 (c) The President of the Senate, in any case concerning an
1425 employee of the Senate; the Speaker of the House of
1426 Representatives, in any case concerning an employee of the House
1427 of Representatives; or the President and the Speaker, jointly,

1428 in any case concerning an employee of a committee of the
1429 Legislature whose members are appointed solely by the President
1430 and the Speaker or in any case concerning an employee of the
1431 Public Counsel, Public Service Commission, Auditor General, or
1432 Office of Program Policy Analysis and Government Accountability.

1433 (d) Except as otherwise provided by this part, the
1434 Governor, in the case of any other public officer, public
1435 employee, former public officer or public employee, candidate or
1436 former candidate, or person who is not a public officer or
1437 employee, other than lobbyists and lobbying firms under s.
1438 112.3215 for violations of s. 112.3215.

1439 (e) The President of the Senate or the Speaker of the
1440 House of Representatives, whichever is applicable, in any case
1441 concerning a former member of the Legislature who has violated a
1442 provision applicable to former members or whose violation
1443 occurred while a member of the Legislature.

1444 (9) In addition to reporting its findings to the proper
1445 disciplinary body or official, the commission shall report these
1446 findings to the state attorney or any other appropriate official
1447 or agency having authority to initiate prosecution when
1448 violation of criminal law is indicated.

1449 (10) Notwithstanding the foregoing procedures of this
1450 section, a sworn complaint against any member or employee of the
1451 Commission on Ethics for violation of this part or of s. 8, Art.
1452 II of the State Constitution shall be filed with the President
1453 of the Senate and the Speaker of the House of Representatives.
1454 Each presiding officer shall, after determining that there are
1455 sufficient grounds for review, appoint three members of their

CS/HB 7131

2013

1456 | respective bodies to a special joint committee who shall
1457 | investigate the complaint. The members shall elect a chair from
1458 | among their number. If the special joint committee finds
1459 | insufficient evidence to establish probable cause to believe a
1460 | violation of this part or of s. 8, Art. II of the State
1461 | Constitution has occurred, it shall dismiss the complaint. If,
1462 | upon completion of its preliminary investigation, the committee
1463 | finds sufficient evidence to establish probable cause to believe
1464 | a violation has occurred, the chair thereof shall transmit such
1465 | findings to the Governor who shall convene a meeting of the
1466 | Governor, the President of the Senate, the Speaker of the House
1467 | of Representatives, and the Chief Justice of the Supreme Court
1468 | to take such final action on the complaint as they shall deem
1469 | appropriate, consistent with the penalty provisions of this
1470 | part. Upon request of a majority of the Governor, the President
1471 | of the Senate, the Speaker of the House of Representatives, and
1472 | the Chief Justice of the Supreme Court, the special joint
1473 | committee shall submit a recommendation as to what penalty, if
1474 | any, should be imposed.

1475 | (11) (a) Notwithstanding subsections (1)-(8), the
1476 | commission may dismiss any complaint or referral at any stage of
1477 | disposition if it determines that the violation that is alleged
1478 | or has occurred is a de minimis violation attributable to
1479 | inadvertent or unintentional error. In determining whether a
1480 | violation was de minimis, the commission shall consider whether
1481 | the interests of the public were protected despite the
1482 | violation. This subsection does not apply to complaints or
1483 | referrals pursuant to ss. 112.3144 and 112.3145.

1484 (b) For the purposes of this subsection, a de minimis
 1485 violation is any violation that is unintentional and not
 1486 material in nature.

1487 ~~(12)-(11)~~ Notwithstanding the provisions of subsections
 1488 (1)-(8), the commission may, at its discretion, dismiss any
 1489 complaint or referral at any stage of disposition should it
 1490 determine that the public interest would not be served by
 1491 proceeding further, in which case the commission shall issue a
 1492 public report stating with particularity its reasons for the
 1493 dismissal.

1494 Section 17. For the purpose of incorporating the amendment
 1495 made by this act to section 112.3143, Florida Statutes, in a
 1496 reference thereto, subsection (1) of section 120.665, Florida
 1497 Statutes, is reenacted to read:

1498 120.665 Disqualification of agency personnel.—

1499 (1) Notwithstanding the provisions of s. 112.3143, any
 1500 individual serving alone or with others as an agency head may be
 1501 disqualified from serving in an agency proceeding for bias,
 1502 prejudice, or interest when any party to the agency proceeding
 1503 shows just cause by a suggestion filed within a reasonable
 1504 period of time prior to the agency proceeding. If the
 1505 disqualified individual was appointed, the appointing power may
 1506 appoint a substitute to serve in the matter from which the
 1507 individual is disqualified. If the individual is an elected
 1508 official, the Governor may appoint a substitute to serve in the
 1509 matter from which the individual is disqualified. However, if a
 1510 quorum remains after the individual is disqualified, it shall
 1511 not be necessary to appoint a substitute.

CS/HB 7131

2013

1512 Section 18. For the purpose of incorporating the amendment
1513 made by this act to section 112.3143, Florida Statutes, in a
1514 reference thereto, section 286.012, Florida Statutes, is
1515 reenacted to read:

1516 286.012 Voting requirement at meetings of governmental
1517 bodies.—No member of any state, county, or municipal
1518 governmental board, commission, or agency who is present at any
1519 meeting of any such body at which an official decision, ruling,
1520 or other official act is to be taken or adopted may abstain from
1521 voting in regard to any such decision, ruling, or act; and a
1522 vote shall be recorded or counted for each such member present,
1523 except when, with respect to any such member, there is, or
1524 appears to be, a possible conflict of interest under the
1525 provisions of s. 112.311, s. 112.313, or s. 112.3143. In such
1526 cases, said member shall comply with the disclosure requirements
1527 of s. 112.3143.

1528 Section 19. For the purpose of incorporating the amendment
1529 made by this act to section 112.324, Florida Statutes, in a
1530 reference thereto, section 287.175, Florida Statutes, is
1531 reenacted to read:

1532 287.175 Penalties.—A violation of this part or a rule
1533 adopted hereunder, pursuant to applicable constitutional and
1534 statutory procedures, constitutes misuse of public position as
1535 defined in s. 112.313(6), and is punishable as provided in s.
1536 112.317. The Chief Financial Officer shall report incidents of
1537 suspected misuse to the Commission on Ethics, and the commission
1538 shall investigate possible violations of this part or rules
1539 adopted hereunder when reported by the Chief Financial Officer,

CS/HB 7131

2013

1540 notwithstanding the provisions of s. 112.324. Any violation of
1541 this part or a rule adopted hereunder shall be presumed to have
1542 been committed with wrongful intent, but such presumption is
1543 rebuttable. Nothing in this section is intended to deny rights
1544 provided to career service employees by s. 110.227.

1545 Section 20. Paragraph (c) of subsection (1) of section
1546 288.901, Florida Statutes, is amended to read:

1547 288.901 Enterprise Florida, Inc.—

1548 (1) CREATION.—

1549 (c) The Legislature determines that it is in the public
1550 interest for the members of Enterprise Florida, Inc., board of
1551 directors to be subject to the requirements of ss. 112.3135,
1552 112.3143(2) ~~112.3143~~, and 112.313, excluding s. 112.313(2),
1553 notwithstanding the fact that the board members are not public
1554 officers or employees. For purposes of those sections, the board
1555 members shall be considered to be public officers or employees.
1556 The exemption set forth in s. 112.313(12) for advisory boards
1557 applies to the members of Enterprise Florida, Inc., board of
1558 directors. Further, each member of the board of directors who is
1559 not otherwise required to file financial disclosures pursuant to
1560 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1561 file disclosure of financial interests pursuant to s. 112.3145.

1562 Section 21. Subsection (1) of section 445.007, Florida
1563 Statutes, is reenacted for the purpose of incorporating the
1564 amendment made by this act to section 112.3143, Florida
1565 Statutes, in a reference thereto, and subsection (11) of that
1566 section is amended, to read:

1567 445.007 Regional workforce boards.—

1568 (1) One regional workforce board shall be appointed in
1569 each designated service delivery area and shall serve as the
1570 local workforce investment board pursuant to Pub. L. No. 105-
1571 220. The membership of the board shall be consistent with Pub.
1572 L. No. 105-220, Title I, s. 117(b) but may not exceed the
1573 minimum membership required in Pub. L. No. 105-220, Title I, s.
1574 117(b) (2) (A) and in this subsection. Upon approval by the
1575 Governor, the chief elected official may appoint additional
1576 members above the limit set by this subsection. If a public
1577 education or training provider is represented on the board, a
1578 representative of a private nonprofit provider and a
1579 representative of a private for-profit provider must also be
1580 appointed to the board. The board shall include one nonvoting
1581 representative from a military installation if a military
1582 installation is located within the region and the appropriate
1583 military command or organization authorizes such representation.
1584 It is the intent of the Legislature that membership of a
1585 regional workforce board include persons who are current or
1586 former recipients of welfare transition assistance as defined in
1587 s. 445.002(2) or workforce services as provided in s. 445.009(1)
1588 or that such persons be included as ex officio members of the
1589 board or of committees organized by the board. The importance of
1590 minority and gender representation shall be considered when
1591 making appointments to the board. The board, its committees,
1592 subcommittees, and subdivisions, and other units of the
1593 workforce system, including units that may consist in whole or
1594 in part of local governmental units, may use any method of
1595 telecommunications to conduct meetings, including establishing a

1596 quorum through telecommunications, provided that the public is
1597 given proper notice of the telecommunications meeting and
1598 reasonable access to observe and, when appropriate, participate.
1599 Regional workforce boards are subject to chapters 119 and 286
1600 and s. 24, Art. I of the State Constitution. If the regional
1601 workforce board enters into a contract with an organization or
1602 individual represented on the board of directors, the contract
1603 must be approved by a two-thirds vote of the board, a quorum
1604 having been established, and the board member who could benefit
1605 financially from the transaction must abstain from voting on the
1606 contract. A board member must disclose any such conflict in a
1607 manner that is consistent with the procedures outlined in s.
1608 112.3143. Each member of a regional workforce board who is not
1609 otherwise required to file a full and public disclosure of
1610 financial interests pursuant to s. 8, Art. II of the State
1611 Constitution or s. 112.3144 shall file a statement of financial
1612 interests pursuant to s. 112.3145. The executive director or
1613 designated person responsible for the operational and
1614 administrative functions of the regional workforce board who is
1615 not otherwise required to file a full and public disclosure of
1616 financial interests pursuant to s. 8, Art. II of the State
1617 Constitution or s. 112.3144 shall file a statement of financial
1618 interests pursuant to s. 112.3145.

1619 (11) To increase transparency and accountability, a
1620 regional workforce board must comply with the requirements of
1621 this section before contracting with a member of the board or a
1622 relative, as defined in s. 112.3143(1)(c) ~~112.3143(1)(b)~~, of a
1623 board member or of an employee of the board. Such contracts may

1624 not be executed before or without the approval of Workforce
 1625 Florida, Inc. Such contracts, as well as documentation
 1626 demonstrating adherence to this section as specified by
 1627 Workforce Florida, Inc., must be submitted to the Department of
 1628 Economic Opportunity for review and recommendation according to
 1629 criteria to be determined by Workforce Florida, Inc. Such a
 1630 contract must be approved by a two-thirds vote of the board, a
 1631 quorum having been established; all conflicts of interest must
 1632 be disclosed before the vote; and any member who may benefit
 1633 from the contract, or whose relative may benefit from the
 1634 contract, must abstain from the vote. A contract under \$25,000
 1635 between a regional workforce board and a member of that board or
 1636 between a relative, as defined in s. 112.3143(1)(c)
 1637 ~~112.3143(1)(b)~~, of a board member or of an employee of the board
 1638 is not required to have the prior approval of Workforce Florida,
 1639 Inc., but must be approved by a two-thirds vote of the board, a
 1640 quorum having been established, and must be reported to the
 1641 Department of Economic Opportunity and Workforce Florida, Inc.,
 1642 within 30 days after approval. If a contract cannot be approved
 1643 by Workforce Florida, Inc., a review of the decision to
 1644 disapprove the contract may be requested by the regional
 1645 workforce board or other parties to the disapproved contract.

1646 Section 22. For the purpose of incorporating the amendment
 1647 made by this act to section 112.3143, Florida Statutes, in a
 1648 reference thereto, paragraph (m) of subsection (5) of section
 1649 627.311, Florida Statutes, is reenacted to read:

1650 627.311 Joint underwriters and joint reinsurers; public
 1651 records and public meetings exemptions.—

CS/HB 7131

2013

1652 (5)
1653 (m) Senior managers and officers, as defined in the plan
1654 of operation, and members of the board of governors are subject
1655 to the provisions of ss. 112.313, 112.3135, 112.3143, 112.3145,
1656 112.316, and 112.317. Senior managers, officers, and board
1657 members are also required to file such disclosures with the
1658 Commission on Ethics and the Office of Insurance Regulation. The
1659 executive director of the plan or his or her designee shall
1660 notify each newly appointed and existing appointed member of the
1661 board of governors, senior manager, and officer of his or her
1662 duty to comply with the reporting requirements of s. 112.3145.
1663 At least quarterly, the executive director of the plan or his or
1664 her designee shall submit to the Commission on Ethics a list of
1665 names of the senior managers, officers, and members of the board
1666 of governors who are subject to the public disclosure
1667 requirements under s. 112.3145. Notwithstanding s. 112.313, an
1668 employee, officer, owner, or director of an insurance agency,
1669 insurance company, or other insurance entity may be a member of
1670 the board of governors unless such employee, officer, owner, or
1671 director of an insurance agency, insurance company, other
1672 insurance entity, or an affiliate provides policy issuance,
1673 policy administration, underwriting, claims handling, or payroll
1674 audit services. Notwithstanding s. 112.3143, such board member
1675 may not participate in or vote on a matter if the insurance
1676 agency, insurance company, or other insurance entity would
1677 obtain a special or unique benefit that would not apply to other
1678 similarly situated insurance entities.

1679 Section 23. For the purpose of incorporating the amendment

1680 made to this act to section 112.3143, Florida Statutes, in a
 1681 reference thereto, paragraph (d) of subsection (6) of section
 1682 627.351, Florida Statutes, is reenacted to read:

1683 627.351 Insurance risk apportionment plans.—

1684 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1685 (d)1. All prospective employees for senior management
 1686 positions, as defined by the plan of operation, are subject to
 1687 background checks as a prerequisite for employment. The office
 1688 shall conduct the background checks pursuant to ss. 624.34,
 1689 624.404(3), and 628.261.

1690 2. On or before July 1 of each year, employees of the
 1691 corporation must sign and submit a statement attesting that they
 1692 do not have a conflict of interest, as defined in part III of
 1693 chapter 112. As a condition of employment, all prospective
 1694 employees must sign and submit to the corporation a conflict-of-
 1695 interest statement.

1696 3. Senior managers and members of the board of governors
 1697 are subject to part III of chapter 112, including, but not
 1698 limited to, the code of ethics and public disclosure and
 1699 reporting of financial interests, pursuant to s. 112.3145.
 1700 Notwithstanding s. 112.3143(2), a board member may not vote on
 1701 any measure that would inure to his or her special private gain
 1702 or loss; that he or she knows would inure to the special private
 1703 gain or loss of any principal by whom he or she is retained or
 1704 to the parent organization or subsidiary of a corporate
 1705 principal by which he or she is retained, other than an agency
 1706 as defined in s. 112.312; or that he or she knows would inure to
 1707 the special private gain or loss of a relative or business

CS/HB 7131

2013

1708 associate of the public officer. Before the vote is taken, such
1709 member shall publicly state to the assembly the nature of his or
1710 her interest in the matter from which he or she is abstaining
1711 from voting and, within 15 days after the vote occurs, disclose
1712 the nature of his or her interest as a public record in a
1713 memorandum filed with the person responsible for recording the
1714 minutes of the meeting, who shall incorporate the memorandum in
1715 the minutes. Senior managers and board members are also required
1716 to file such disclosures with the Commission on Ethics and the
1717 Office of Insurance Regulation. The executive director of the
1718 corporation or his or her designee shall notify each existing
1719 and newly appointed member of the board of governors and senior
1720 managers of their duty to comply with the reporting requirements
1721 of part III of chapter 112. At least quarterly, the executive
1722 director or his or her designee shall submit to the Commission
1723 on Ethics a list of names of the senior managers and members of
1724 the board of governors who are subject to the public disclosure
1725 requirements under s. 112.3145.

1726 4. Notwithstanding s. 112.3148 or s. 112.3149, or any
1727 other provision of law, an employee or board member may not
1728 knowingly accept, directly or indirectly, any gift or
1729 expenditure from a person or entity, or an employee or
1730 representative of such person or entity, which has a contractual
1731 relationship with the corporation or who is under consideration
1732 for a contract. An employee or board member who fails to comply
1733 with subparagraph 3. or this subparagraph is subject to
1734 penalties provided under ss. 112.317 and 112.3173.

1735 5. Any senior manager of the corporation who is employed

CS/HB 7131

2013

1736 on or after January 1, 2007, regardless of the date of hire, who
1737 subsequently retires or terminates employment is prohibited from
1738 representing another person or entity before the corporation for
1739 2 years after retirement or termination of employment from the
1740 corporation.

1741 6. Any senior manager of the corporation who is employed
1742 on or after January 1, 2007, regardless of the date of hire, who
1743 subsequently retires or terminates employment is prohibited from
1744 having any employment or contractual relationship for 2 years
1745 with an insurer that has entered into a take-out bonus agreement
1746 with the corporation.

1747 Section 24. This act shall take effect upon becoming a
1748 law.