

The new, improved (?) Code of Ethics for Public Officers and Employees



FSASE 2013
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**Chapter 2013-36,
Laws of Florida**

**Committee Substitute
for Senate Bill No. 2**

Section 1.

Added “company, limited liability company” to definition of “business entity” in § 112.312(5)

-and-

Amended definition of “gift” in § 112.312(12)(b)2., to exclude gifts from political committees

Section 2.

Prohibits dual public employment by “public officers” elected to state or local office, subject to conditions.

Section 3.

Post-officeholding prohibition for legislators, prohibiting them from lobbying executive branch agencies, agency officials, or agency employees for a two-year period following vacation of office.

Section 4.

Creates new section mandating four hours of ethics training annually for specified constitutional officers. Supervisors of elections are included in the definition of “constitutional officers.”

Section 5.

Creates new section authorizing qualified blind trusts for public officers.

Section 6.

Amends voting conflict statute to define “special private gain or loss”

-and-

prohibits state officers from voting when they have a conflict.

Section 7.

Amends § 112.3144 requiring qualifying officers (YOU) to forward electronic copies of CE Form 6 to the Commission.

Also allows amended CE Form 6 filed prior to Sept. 1st to become “original”

Section 7 (continued)

For complaints filed after August 25, allows Commission to take no action on disclosures containing “immaterial, inconsequential, or de minimis error or omission.”

Filer given 30 days to file amended CE Form 6 correcting errors.

Section 7 (continued)

Similar grace given to filers of Final Full and Public Disclosure (CE Form 6F).

Authorizes filers to have attorney or CPA prepare CE Form 6 and pay for it out of campaign account.

Section 8.

Creates new section requiring the Commission to develop on-line filing. For 2012 filing year, Commission must make CE Form 6's publicly available on searchable Internet database.

Section 9.

Removes expressway authorities and transportation authorities from the list of “local officers” subject to filing CE Form 1.

Adds “community redevelopment agencies” to filers

Adds “finance director” to filers

Section 9 (continued)

Adds criminal conflict and civil regional counsel and their assistants to list of “specified state employees” subject to filing CE Form 1.

The CE Form 1 that candidates file with qualifying officers satisfies annual filing requirement if filed prior to filing deadline.

Section 9 (continued)

Requires CE Form 1 filers to indicate which method they are using (percentage thresholds or dollar value thresholds)

Allows amendments and do-over grace, similar to that for CE Form 6 filers.

Section 9 (continued)

Allows CE Form 1 filers to have their forms prepared by CPA or attorney, and use campaign accounts to pay for their services in preparing their disclosure form.

Section 10.

Creates a new statutory provision for collection methods for automatic fines for late-filed financial disclosure.

Allows for withholding from salary of current public officials, and garnishment of wages for those no longer public officers.

Extends statute of limitations to 20 years.

Section 11.

Re-adopts Commission's authority to adopt forms for required disclosures.

Section 12.

Amends gift law to add “vendor” to prohibited donors.

Vendor defined as “business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.”

Section 13.

New statutory section prohibiting gifts from political committees.

Section 14.

**Amends honoraria law to add
“vendor” to prohibited donors.**

**Vendor defined as “business entity
doing business directly with an
agency, such as renting, leasing, or
selling any realty, goods, or services.”**

Section 15.

**Amends § 112.317 (penalties) to be
P.C. (his or her)**

Section 16.

Amends § 112.3215 involving executive branch lobbyists to allow for the investigation of violations by lobbyists or their principals.

Section 17.

Allows referral of complaints from Governor, FDLE, a state attorney, or a U.S. Attorney where at least 6 members of the Commission determine that the allegations are legally sufficient to indicate violation or breach of public trust.

Extends the complaint-filing ban to 30 days immediately preceding election

Section 17 (continued)

Allows the Commission to dismiss complaints or referrals at any stage where violation is de minimis attributable to inadvertent or unintentional error.

Section 18.

**Re-enacts § 120.665 involving
disqualification of agency personnel.**

Section 19.

Re-enacts § 286.012 involving public meetings and voting.

Section 20.

Re-enacts § 287.175 involving penalties for violations of Chapter 287 and the Code of Ethics.

Section 21.

**Amends § 288.901 involving
Enterprise Florida, Inc., to prohibit
voting by state officers.**

Section 22.

Re-adopts § 445.007 involving regional workforce boards.

Section 23.

Re-adopts § 627.311(5)(m) involving joint underwriters and joint reinsurers.

Section 24.

**Re-adopts § 627.351 involving
Citizens Property Insurance
Corporation.**

Section 25.

Act takes effect upon becoming a law, and it became a law on May 1, 2013, when Governor Scott signed it.

***YOUR
PRESENTER:***

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