


LEGISLATIVE UPDATE

TO: Commission Members
FROM: Virindia Doss, Executive Director 
DATE: February 17, 2016

SB 686/HB 593

These bills, by Senator Gaetz and Representatives Metz and Rodriguez, contain versions of two of the Commission's legislative recommendations: closing the conflict loophole that allows people to evade the law by creating an LLC or corporation, and requiring Full and Public Disclosure of Financial Interests for elected municipal officials.

Senator Gaetz added self-initiation to SB 686, but that provision was later removed. The bill was referred to four committees, and passed out of the third yesterday. Its last stop will be Appropriations. SB 686 calls for Form 6 disclosure for all *elected* municipal officials.

HB 593, is similar, but differs from SB 686 in several respects: Instead of Form 6 disclosure for *all* elected municipal officials, it calls for Form 6 for everyone in "an elected municipal office *for which compensation is provided*" (italics mine). It also calls for very detailed monthly reporting by lobbyists—both legislative and executive, which will be a significant workload issue for this agency. Oddly, this provision was originally in SB 686, but was taken out. It was *not* originally in HB 593, but was inserted. This bill is in its last committee stop—State Affairs.

SB 1092

This bill, by Senator Joyner, would preclude "consultants" being appointed or reappointed to the Elections Commission, the Ethics Commission, the Board of Governors for the State University System, and university Boards of Trustees, after July 1, 2016. "Consultant" is defined in the bill essentially as a person involved with a business entity for the purpose of supporting or assisting the entity's effort to sell goods, services, or realty to any branch of state government. It also requires that currently serving members—who would be exempt from the prohibition unless reappointed—disclose employment as a consultant in Florida, and that all members disclose employment as a consultant in another state, employment as a lobbyist in another state, and the identity of any parent, child, spouse, sibling, or father, mother, son, or daughter-in-law who is registered as a lobbyist with the state or any local entity, or employed as a consultant.

As of this writing, the bill does not have a House companion and has not been scheduled for a hearing in any of the three committees to which it was assigned.

SB 1188/HB 1325

Persons who serve on land planning and zoning boards are required to file financial disclosure. SB 1188, by Senators Altman and Richter, would exempt from this requirement persons serving on such boards as representatives of military installations. The Commission voted to oppose this measure at its September meeting. The bill passed its first two committees, and is currently in the Rules

Committee, its last stop.

HB 1325 is very different from 1188, but contains the same exemption. It passed out of the Transportation and Economic Development Appropriations Subcommittee yesterday, and is in its last stop—the Finance and Tax Committee.

There are also a couple of bills amending the Administrative Procedures Act that would affect the Commission. They are:

HB 183/SB 372

These bills would, among other things, allow respondents to bring rule challenges in concert with their defense. It's my belief that rule challenges would increase as a result, and that we'll end up needing more staff, and probably more Advocates, to deal with the additional volume and complexity of the work.

Both these bills are poised to pass their respective chambers.

HB 953/SB 1150

In their original form, both these bills would have automatically suspended rulemaking authority three years from the date it was granted by the Legislature. Existing rules would be suspended July 1, 2019. Except in extremely limited circumstances, if the Legislature failed to reauthorize rulemaking authority, any rule made would have to be ratified by the Legislature. Because the Commission's financial disclosure forms must be adopted as rules, and because they must be updated every year, suspension of rulemaking authority would be a serious problem for this agency.

HB 953 is in its last committee stop; the State Affairs Committee, but has not been scheduled for hearing yet. SB 1150 was referred to Governmental Oversight and Accountability, the Appropriations Subcommittee on General Government, and the Appropriations Committee. After being temporarily postponed twice, it was heard by Governmental Oversight and Accountability on February 16. It passed, in a dramatically different form, now calling only for the Joint Administrative Procedures Committee to perform a study regarding sunseting rulemaking authority.