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"A Public Office is a Public Trust"

MEMORANDUM

TO: Commission Members

FROM: Gray Schafer, Senior Attorney

DATE: November 20, 2019

RE: Rule Hearing

The Commission is being asked to consider and approve two rulemaking items at the December 6 meeting. This has been duly noticed and materials have been provided to the Joint Administrative Procedures Committee.

The second matter under consideration is an amendment to Rule 34-7.025. The Rule deals with the four-hour annual ethics training requirement for Constitutional officers and elected municipal officers. The amendment implements Chapter 2019-163, Laws of Florida, which added commissioners of community redevelopment agencies to the list of officers required to complete the four hours of annual training. The amendment simply adds community redevelopment agency commissioners to the public officers identified in the rule as having to complete the training.

The Notice of Proposed Rule for this matter is attached, as well as the relevant portion of Chapter 2019-163, Laws of Florida. You will be asked to approve the amendment prepared by staff at your December 6, 2019, Commission meeting.

Attachments

DATE AND TIME: December 6, 2019, 8:30 a.m.
 PLACE: First District Court of Appeal, Third Floor Courtroom,
 2000 Drayton Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Victoria Kaiser, Executive Secretary, Florida Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Grayden Schafer, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are incorporated by reference and are used by the Commission in its dealings with the public:

(a) through (i) No change.

(j) ~~Form 40, Certification by Trustee of Qualified Blind Trust. To be utilized by a public officer who elects to create a qualified blind trust pursuant to Section 112.31425, F.S. <http://www.flrules.org/Gateway/reference.asp?No=Ref-03280>. Effective 11-4-13.~~

(2) No change.

Rulemaking Authority Art. II, Section 8(i), Fla. Const., ~~112.31425, 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS. Law Implemented Art. II, Section 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.31425, 112.3143, 112.3144, 112.3145, 112.3148, 112.31485, 112.3149, 112.3215 FS. History—New 4-11-76, Formerly 34-7.10-7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 1-1-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-07, 1-1-10, 8-18-10, 1-1-11, 1-19-11, 11-4-13, 1-1-15, 11-24-15, 7-5-16, 1-9-17,~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Grayden Schfer, Senior Attorney, Florida Commission on Ethics, (850)-488-7864

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: C. Christopher Anderson, III, Executive Director, Florida Commission on Ethics, (850)-488-7864

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 07, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 4, 2019

COMMISSION ON ETHICS

RULE NO.: 34-7.025
 RULE TITLE: Ethics Training Course Content

PURPOSE AND EFFECT: The purpose of the amendment is to implement Chapter 2019-163, Laws of Florida, which amended Section 112.3142, Florida Statutes, to require commissioners of community redevelopment agencies to complete four hours of ethics training each calendar year, beginning January 1, 2020. The effect of the amendment will be to include such commissioners as among those required to complete such training.

SUMMARY: The amendment adds commissioners of community redevelopment agencies to the public officers identified in the rule as having to complete the four hours of training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based on past experience with other public officers who must complete the four hours of training required by the rule, the adverse impact or regulatory costs, if any, do not exceed and would not be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Art. II, Section 8, Fla. Const., 112.322(9) FS.

LAW IMPLEMENTED: Chapter 2019-163, Laws of Florida
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 6, 2019, 8:30 a.m.
 PLACE: First District Court of Appeal, Third Floor Courtroom,
 2000 Drayton Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Victoria Kaiser, Executive Secretary, Florida Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida



Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Grayden Schafer, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.025 Ethics Training Course Content.

(1) Constitutional officers, ~~and~~ elected municipal officers, and commissioners of community redevelopment agencies created under part III of chapter 163 are required by Section 112.3142, F.S., to complete four (4) hours of ethics training each calendar year.

(2)(a) In addition to receiving training on Florida’s public records laws (Chapter 119, F.S.) and open meetings laws (Chapter 286, F.S.), constitutional officers, ~~and~~ elected municipal officers, and commissioners of community redevelopment agencies created under part III of chapter 163 are required to obtain ethics training that is derived from Article II, Section 8, Florida Constitution, “Ethics in Government,” and Chapter 112, Part III, F.S., the “Code of Ethics for Public Officers and Employees.”

(b) No change.

(3) No change.

Rulemaking Authority 112.322(9), 112.3142 FS. Law Implemented 112.3142 FS. History—New 9-10-13, Amended 1-8-15, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Grayden Schafer, Senior Attorney, Florida Commission on Ethics, (850)-488-7864

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: C. Christopher Anderson, III, Executive Director, Florida Commission on Ethics, (850)-488-7864

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 4, 2019

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-10.009 Sample Packages of Cigarettes

PURPOSE AND EFFECT: To amend rule language to delete obsolete references and incorporate an updated form.

SUMMARY: The proposed language deletes reference to repealed rule 61A-5.001, F.A.C., and incorporates updated form DBPR ABT 4000A-245-C, Manufacturer’s and Importer’s Report for Distribution of Samples.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 210.10, FS.

LAW IMPLEMENTED: 210.04, 210.09, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Hays, Counsel for Compliance and Regulatory Programs, Division of Alcoholic Beverages and Tobacco, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)717-1314, Rebecca.Hays@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-10.009 Sample Packages of Cigarettes.

The Division may, in its discretion, authorize manufacturers and importers to distribute in the state sample packages of cigarettes containing not less than two (2) nor more than twenty (20) cigarettes without affixing any stamps; provided, the tax due on such sample cigarettes must be paid to the Division by the manufacturer or importer on or before the 10th calendar day of each month for all sample cigarettes distributed during the previous month. Reports shall be made on ~~form~~ DBPR ~~form~~ AB&T 4000A-245-C, Manufacturer’s and Importer’s Report for Distribution of Samples, which is incorporated by reference herein and effective 11/2019. DBPR ABT 4000A-245-C is available through the Division’s Electronic Data Submission (EDS) System via <http://www.myfloridalicense.com/DBPR/alcoholic-beverages-and-tobacco/electronic-data-submission/>, or a paper form may be requested by contacting the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Auditing at 2601 Blair Stone Road, Tallahassee, Florida, 32399-1022. A copy of the EDS form may

CHAPTER 2019-163

Committee Substitute for House Bill No. 9

An act relating to community redevelopment agencies; amending s. 112.3142, F.S.; requiring ethics training for community redevelopment agency commissioners; specifying requirements for such training; amending s. 163.356, F.S.; revising reporting requirements; deleting provisions requiring certain annual reports; amending s. 163.367, F.S.; requiring ethics training for community redevelopment agency commissioners; amending s. 163.370, F.S.; requiring a community redevelopment agency to follow certain procurement procedures; creating s. 163.371, F.S.; requiring a community redevelopment agency to publish certain digital boundary maps on its website; providing annual reporting requirements; requiring a community redevelopment agency to publish the annual reports on its website; creating s. 163.3755, F.S.; providing termination dates for certain community redevelopment agencies; creating s. 163.3756, F.S.; providing legislative findings; requiring the Department of Economic Opportunity to declare inactive community redevelopment agencies that have reported no financial activity for a specified number of years; providing hearing procedures; authorizing certain financial activity by a community redevelopment agency that is declared inactive; providing applicability; providing construction; requiring the department to maintain a list on its website identifying all inactive community redevelopment agencies; amending s. 163.387, F.S.; specifying the level of tax increment financing that a governing body may establish for funding the redevelopment trust fund; effective on a specified date, revising requirements for the use of redevelopment trust fund proceeds; limiting allowed expenditures; revising requirements for the annual budget of a community redevelopment agency; revising requirements for use of moneys in the redevelopment trust fund for specific redevelopment projects; revising requirements for the annual audit; requiring the audit to be included with the financial report of the county or municipality that created the community redevelopment agency; amending s. 218.32, F.S.; revising criteria for finding that a county or municipality failed to file a report; requiring the Department of Financial Services to provide a report to the Department of Economic Opportunity concerning community redevelopment agencies reporting no revenues, expenditures, or debts; providing an effective date.

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

Section 1. Section 112.3142, Florida Statutes, is amended to read:

112.3142 Ethics training for specified constitutional officers, ~~and~~ elected municipal officers, and commissioners.—

(1) As used in this section, the term “constitutional officers” includes the Governor, the Lieutenant Governor, the Attorney General, the Chief

Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) ~~Beginning January 1, 2015,~~ All elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(c) Beginning January 1, 2020, each commissioner of a community redevelopment agency created under part III of chapter 163 must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subject material is covered by the class.

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

~~(e)~~(d) The Legislature intends that a constitutional officer or elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

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