

LEGISLATIVE UPDATE

TO: Commission Members
FROM: Kerrie Stillman, Deputy Executive Director
DATE: February 16, 2021

The bills summarized in this update speak directly to the Commission's operations and responsibilities. As is true every session, there are a number of other bills—mainly connected with public records, open meetings, and Administrative Procedure Act issues—that we are following, but which only affect the Commission in the same way they affect all other agencies. I have not included those bills here. Session begins March 2, and there are likely to be other bills filed between now and our meeting March 5.

HOUSE

HB 215

This bill would prohibit the use of public funds for lobbying by local governments and prohibits local governments from using public funds to retain lobbyists. It authorizes individuals to file complaints with the Commission and specifies penalties for violations.

This bill has been referred to three committees. It has no Senate companion, as of yet.

HB 509

This bill is a local bill creating an independent special district in Broward County with a governing body named the Senior Services County of Broward County. It establishes membership, powers and duties and requires council members, officers, and employees to take 4 hours of ethics training in accordance with s. 112.3142(2)(b).

The bill was referred to four committees. It has no Senate companion, as of the date of this memo.

HB 853

This bill closes the conflicting employment loophole, which was one of the Commission's legislative recommendations. It requires special district and water management district board members take ethics training, beginning in 2022. The bill also incorporates into law the Commission's rule on training, requires training providers to be accredited, requires the trainer's name be listed on the filer's Form 1 or Form 6 disclosure form, and specifies that the failure to name the trainer is not a de minimis violation of the ethics laws.

The bill also specifically adds special district and water management elected officials to the voting conflict statute (those officials are already public officers required to comply with the voting conflict statute). The bill includes part of the Commission's recommendation for making uniform the voting conflict standards in that it would prohibiting *local elected* officials from participating in a vote or its discussion without first disclosing their conflict, which is consistent with existing laws for local

appointed officials. The bill does not include language regarding the voting conflict standard for state elected or appointed officers.

The bill proposes a version of Form 6 disclosure for local governing bodies, but retains the fluctuating standard that is so problematic (enhanced disclosure for cities which have had more than \$10 million in revenue for three consecutive years, but if their revenue drops below \$10 million for three years, their governing board members would revert back to Form 1). This fluctuating standard was proposed in 2018's HB 7003 and 2017's HB 7021, both of which passed in the House. Your recommendation this year was enhanced financial disclosure for *all* elected municipal officials regardless of the population of the municipality.

The bill has not yet been assigned to any committees.

HB 573/SB 758

Provides fiduciary duties of public officials and executive officers, and requires 5 hours of board governance training for them on an annual basis. The bill provides for the manner of training and requires appointed public officials and executive officers to certify completion of the required training. The training certification would be admissible in civil actions. The bill also provides standards for legal counsel and lobbyists.

The House bill has not yet been referred to committees. The Senate bill was referred to three committees.

SENATE

SB 152

See HB 65, above.

SB 758

See HB 573, above.