

## MEMORANDUM

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February 11, 2015

**TO:** Honorable Mayor and City Commission  
**VIA:** Kenneth Fields, City Manager  
**FROM:** Clara VanBlargan, MMC  
**RE:** Ethics Training  
**SYNOPSIS:** Ethics and Sunshine Law Training for Elected Officials

This memo was prepared to serve as a reminder that beginning January 1, 2015, elected municipal officers must obtain four hours of ethics and sunshine law training on an annual basis. For all elected officials subject to the training requirement, if the elected official assumes office or a new term of office on or before March 31, the official must fulfill the training requirement before the following December 31. Those assuming office after March 31 are not required to complete the training for the calendar year in which the term of office began.

### **ATTACHMENT**

2014 Legislative Final Report, pp. 10-11: CS/CS/CS/SB 846

primarily benefit low- and moderate-income families. This section of the bill was drafted in cooperation with the DEO and was a League priority. Other provisions of the bill rebrand what are currently known as “rural areas of critical economic concern” as “rural areas of opportunity.” The bill also revise the administration of all loan programs administered under the DEO to increase accountability. The loan programs would include the Rural Community Development Revolving Loan Program, Economic Gardening Business Loan Pilot Program and the Black Businesses Loan Program.

In addition, the substance of **CS/CS/SB 1480** (see page 23), creating the Florida Microfinance Act, was added to the bill. This language, a League priority, provides entrepreneurs and small businesses in Florida access to business loans through the creation of two programs: a loan program and a guarantee program. Under the loan program, the DEO will competitively award funds for up to three eligible loan administrators who will in-turn provide a 1:1 match to make short-term, microloans of up to \$50,000 to entrepreneurs and small businesses. Under the guarantee program, Enterprise Florida, Inc., will utilize state funds to guarantee loans made by private lenders to entrepreneurs and small businesses in Florida.

Unfortunately, **CS/HB 7023** also extends the expiration of permits issued by the Department of Environmental Protection, water management districts, local building permits and local government development orders for two years. The permit extension granted by this bill may not exceed four years in total and is in addition to any existing permit extension granted by similar legislation in 2010, 2011, 2012 and 2013. The holder of a valid permit or other authorization that is eligible for the two-year extension must notify the authorizing agency in writing by December 31, 2014, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization. Effective July 1, 2014. Chapter No. 2014-218. (Cruz)

### **Special Districts**

**CS/CS/CS/SB 1632** (Stargel) increases the accountability and transparency of special districts by authorizing the governor to suspend members of the governing body of special districts. The bill prohibits an inactive special district from collecting taxes, fees or assessments. The bill also requires all special districts to create and maintain a website by October 1, 2015. Dependent special districts may use the website of the local government that created them. Effective July 1, 2014. Chapter No. 2014-22. (Cruz)

## **TRANSPORTATION & INTERGOVERNMENTAL RELATIONS**

### **Automated License Plate Readers**

**CS/CS/SB 226** (Brandes) creates a public records exemption for images obtained through the use of an automated license plate recognition system and the personal identifying images associated with such images. Effective July 1, 2014. Chapter No. 2014-170. (Padgett)

### **Department of Transportation — Outdoor Advertising**

**CS/CS/HB 1161** (Goodson) is the Florida Department of Transportation’s (DOT) comprehensive outdoor advertising bill. Of interest to municipalities, the bill retains existing language prohibiting local governments from regulating public information systems (billboards) on water management district property. The bill also removes a requirement that the DOT conduct a survey of property owners affected by the construction of a noise-attenuation barrier regarding the proposed barrier’s impact on existing outdoor advertising signs. Effective July 1, 2014. Chapter No. 2014-215. (Padgett)

### **Ethics**

**CS/CS/CS/SB 846** (Latvala) relates to various aspects of governmental ethics.

- ▶ Beginning January 1, 2015, elected municipal officers must obtain four hours of ethics and sunshine law training on an annual basis (this is a current requirement for state- and county-level elected officials). For all elected officials subject to the training requirement, if the elected official assumes office or a new term of office on or before March 31, the official must fulfill the training requirement before the following December 31. Those assuming office after March 31 are not required to complete the training for the calendar year in which the term of office began.
- ▶ Beginning January 1, 2015, elected officials required to participate in annual ethics and Sunshine Law training must certify their participation on their full and public disclosure of financial interest forms. Failure to certify completion of the annual ethics and Sunshine Law training on a disclosure form does not constitute an immaterial, inconsequential or de minimus error or omission.
- ▶ The bill expands the circumstances under which a member of a board, commission or agency may abstain from voting if there is, or may be, a conflict

of interest under more stringent local standards of conduct and allows for disclosure of the conflict. The bill also allows for abstention when a member is participating in a quasi-judicial proceeding and the abstention is to assure a fair proceeding.

- ▶ The Commission on Ethics is authorized to initiate an investigation and hold a public hearing without a complaint having been filed if an individual fails to file the disclosure of financial interest for any year and the maximum automatic fine has been imposed upon the individual.
- ▶ Citizen support and direct-support organizations are required to adopt a minimum code of ethics and post the ethics code on the organization's website.
- ▶ A person is prohibited from lobbying a water management district until the person registers as a lobbyist. The bill provides various registration and reporting requirements.
- ▶ Members and employees of various entities, including the Florida Clerks of Court Operations Corporation, Enterprise Florida, Inc., Citizens Property Insurance Corporation, and the Florida Development Finance Corporation, are made subject to specified provisions of the code of ethics.
- ▶ For an expressway authority in Miami-Dade County, a lobbyist is prohibited from serving as a member of the expressway authority; lobbying restrictions are applicable to members and the executive director of the authority; the authority's general counsel is made the authority's ethics officer; lobbying restrictions are imposed for authority board members, employees and consultants; and various disclosures and reporting are required. Additionally, the authority must update its code of ethics, and the authority must provide ethics training.
- ▶ The bill does NOT prohibit an elected municipal, county or school board officer from registering as a lobbyist for purposes of lobbying either the Legislature or state agencies on behalf of a person or entity other than his or her political subdivision.

Effective: July 1, 2014. Chapter No. 2014-183. (Conn)

### **Municipal Governing Body Meetings**

**CS/CS/SB 730** (Galvano) authorizes the governing body of a municipality to hold joint meetings with the governing body of the county in which the municipality is located when there are matters of mutual interest. In addition, a municipality is permitted to meet in another municipality to discuss matters of mutual interest. The time and place of the meetings must be prescribed by ordinance or

resolution. Effective July 1, 2014. Chapter No. 2014-14. (Padgett)

### **Security of Confidential Personal Information**

**CS/CS/SB 1524** (Thrasher) creates the "Florida Information Protection Act of 2014." The bill requires governmental entities, including municipalities, to give notice to affected customers and the Department of Legal Affairs (DLA) when a breach of security of personal information occurs. The bill requires such notice to be given within 30 days of the discovery of the breach or belief that a breach occurred, unless delayed at the request of law enforcement for investigative purposes or for other good cause shown. The bill provides enforcement authority to the DLA under the Florida Deceptive and Unfair Trade Practices Act to civilly prosecute violations. Violators may also be subject to civil penalties, similar to current law, if breach notification is not provided timely. Governmental entities, including local governments, are required to provide notification of security breaches to the DLA, but are not liable for civil penalties for failure to timely report the security breaches. The bill provides exceptions for those entities that comply with breach notifications as required by the appropriate federal regulator. The bill also requires the DLA to submit an annual report to the Legislature, by February 1 of each year, detailing any reported breaches of security by governmental entities or their third-party agents for the preceding year, along with any recommendations for security improvement. The report must also identify any governmental entity that has violated the breach notification provisions. Effective July 1, 2014. Chapter No. 2014-189. (Padgett)

### **Transportation**

**CS/CS/CS/SB 218** (Grimsley) permits the Florida Department of Transportation (DOT) to pay the cost of relocating municipally owned utilities under limited circumstances. The bill also exempts from the permitting process local tourist-oriented development signs, temporary harvest season signs, acknowledgement signs on public school property and certain signs on sports facilities. **CS/CS/CS/SB 218** includes League-supported language that allows municipalities in certain rural areas to compete for funding under the DOT Small County Outreach Program. Effective July 1, 2014. Chapter No. 2014-169. (Padgett)

### **Transportation**

**HB 7175** (House Economic Affairs Committee) combines provisions from several other transportation bills. The