

By Senator Latvala

19-1389-98

1                                   A bill to be entitled  
2           An act relating to gifts; amending s. 112.3148,  
3           F.S.; providing criminal penalties for the  
4           acceptance of or the failure by public officers  
5           or public employees to report gifts of a  
6           specified amount during a calendar year;  
7           providing an effective date.

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

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11           Section 1. Subsections (4) and (8) of section  
12 112.3148, Florida Statutes, are amended to read:

13           112.3148 Reporting and prohibited receipt of gifts by  
14 individuals filing full or limited public disclosure of  
15 financial interests and by procurement employees.--

16           (4)(a) A reporting individual or procurement employee  
17 or any other person on his or her behalf is prohibited from  
18 knowingly accepting, directly or indirectly, a gift from a  
19 political committee or committee of continuous existence, as  
20 defined in s. 106.011, or from a lobbyist who lobbies the  
21 reporting individual's or procurement employee's agency, or  
22 directly or indirectly on behalf of the partner, firm,  
23 employer, or principal of a lobbyist, if he or she knows or  
24 reasonably believes that the gift has a value in excess of  
25 \$100; however, such a gift may be accepted by such person on  
26 behalf of a governmental entity or a charitable organization.  
27 If the gift is accepted on behalf of a governmental entity or  
28 charitable organization, the person receiving the gift shall  
29 not maintain custody of the gift for any period of time beyond  
30 that reasonably necessary to arrange for the transfer of  
31 custody and ownership of the gift.

1           (b) Any person who, in the same calendar year, accepts  
2 a gift or gifts in violation of paragraph (a) which  
3 individually or in the aggregate are valued in excess of  
4 \$1,000 commits a misdemeanor of the second degree, punishable  
5 as provided in s. 775.082 or s. 775.083.

6           (8)(a) Each reporting individual or procurement  
7 employee shall file a statement with the Secretary of State on  
8 the last day of each calendar quarter, for the previous  
9 calendar quarter, containing a list of gifts which he or she  
10 believes to be in excess of \$100 in value, if any, accepted by  
11 him or her, except the following:

- 12           1. Gifts from relatives.
- 13           2. Gifts prohibited by subsection (4) or s.  
14 112.313(4).
- 15           3. Gifts otherwise required to be disclosed by this  
16 section.

17           (b) The statement shall include:

18           1. A description of the gift, the monetary value of  
19 the gift, the name and address of the person making the gift,  
20 and the dates thereof. If any of these facts, other than the  
21 gift description, are unknown or not applicable, the report  
22 shall so state.

23           2. A copy of any receipt for such gift provided to the  
24 reporting individual or procurement employee by the donor.

25           (c) The statement may include an explanation of any  
26 differences between the reporting individual's or procurement  
27 employee's statement and the receipt provided by the donor.

28           (d) The reporting individual's or procurement  
29 employee's statement shall be sworn to by such person as being  
30 a true, accurate, and total listing of all such gifts.

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1 (e) If a reporting individual or procurement employee  
2 has not received any gifts described in paragraph (a) during a  
3 calendar quarter, he or she is not required to file a  
4 statement under this subsection for that calendar quarter.

5 (f) Any person who, in the same calendar year,  
6 knowingly fails to report a gift or gifts in violation of  
7 paragraph (a) which individually or in the aggregate are  
8 valued in excess of \$1,000 commits a misdemeanor of the second  
9 degree, punishable as provided in s. 775.082 or s. 775.083.

10 Section 2. This act shall take effect July 1, 1998.

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13 SENATE SUMMARY

14 Provides criminal penalties for reporting individuals or  
15 procurement employees who accept or fail to report gifts  
16 of more than \$1,000 aggregate value in a calendar year.  
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