

By Representatives Arnall, Feeney and Warner

1 A bill to be entitled
2 An act relating to ethics; amending s. 11.045,
3 F.S.; transferring jurisdiction over complaints
4 alleging a violation of the prohibition on
5 postemployment lobbying by certain legislative
6 employees to the Legislature; creating s.
7 11.046, F.S.; prohibiting certain legislative
8 employees from lobbying the Legislature for
9 compensation for a period of 2 years following
10 legislative employment; providing exceptions;
11 providing penalties; amending s. 112.312, F.S.;
12 redefining the terms "business associate,"
13 "gift," and "liability"; amending s. 112.313,
14 F.S.; redefining the term "employee";
15 clarifying that conflict of interest provisions
16 apply to certain indirect business
17 relationships; extending the prohibition
18 against the use of inside public information to
19 former officers and employees; modifying
20 exemptions to conflict of interest provisions
21 of the ethics code and the prohibition against
22 doing business with one's own agency;
23 clarifying the exemption for elected officers
24 who maintain an employment relationship with a
25 tax-exempt organization; redefining the term
26 "local government attorney"; amending s.
27 112.3144, F.S.; revising the reporting
28 requirements for full and public disclosure of
29 financial interests; transferring filing
30 administration from the Secretary of State to
31 the Commission on Ethics; changing the filing

1 location for officers from the Secretary of
2 State to the commission; establishing an
3 automatic fine system for delinquent filers and
4 nonfilers; requiring former officers and
5 employees to file a final disclosure of
6 financial interests no later than 60 days
7 following departure, with certain exceptions;
8 requiring the Commission on Ethics to adopt
9 rules and forms relating to filing amended full
10 and public disclosure of financial interests;
11 amending s. 112.3145, F.S.; redefining the
12 terms "local officer" and "specified state
13 employee"; revising the reporting requirements
14 for limited statutory disclosure of financial
15 interests; transferring filing administration
16 from the Secretary of State to the Commission
17 on Ethics; modifying the filing location for
18 state officers and specified state employees
19 from the Secretary of State to the commission;
20 modifying certification requirements of
21 supervisors of elections with regard to
22 delinquent filers and nonfilers; establishing
23 an automatic fine system for delinquent filers
24 and nonfilers; requiring former officers and
25 employees to file a final statement of
26 financial interests within 60 days after
27 leaving office or employment, with certain
28 exceptions; modifying reporting dates for
29 filing quarterly reports of the names of
30 clients represented before certain agencies for
31 a fee; requiring the Commission on Ethics to

1 adopt rules and forms relating to amended
2 financial disclosure filings; amending s.
3 112.3146, F.S.; specifying that certain
4 financial disclosure statements are public
5 records; amending s. 112.3147, F.S.; directing
6 the Commission on Ethics to prescribe forms for
7 financial disclosure statements; amending s.
8 112.3148, F.S.; redefining the terms "reporting
9 individual" and "procurement employee";
10 establishing a reimbursement deadline with
11 regard to the valuation of gifts received by
12 reporting individuals; clarifying that the
13 gifts law applies to candidates; extending the
14 gifts law to include nonincumbents elected to
15 office for the period immediately following
16 election but before officially taking office;
17 transferring the filing administration for gift
18 disclosure from the Secretary of State to the
19 Commission on Ethics; changing standards for
20 determining the value of gifts; authorizing the
21 Technological Research and Development
22 Authority to provide certain gifts for a public
23 purpose; amending s. 112.3149, F.S.; redefining
24 the term "procurement employee"; transferring
25 filing administration for honoraria disclosure
26 from the Department of State to the Commission
27 on Ethics; repealing s. 112.3151, F.S., which
28 authorizes the Commission on Ethics to grant
29 extensions of time for filing financial
30 disclosure statements; amending s. 112.317,
31 F.S.; authorizing the Commission on Ethics to

1 recommend how restitution may be paid;
2 entitling the Attorney General to reimbursement
3 of fees and costs associated with collecting
4 civil and restitution penalties imposed for
5 ethics violations; removing a criminal penalty
6 related to the disclosure of confidential
7 information brought before the commission;
8 amending s. 112.3215, F.S.; redefining the term
9 "lobbyist"; modifying reporting period and
10 dates for filing executive branch lobbying
11 reports; revising fines for late-filed reports;
12 revising time periods related to payment or
13 dispute of fines; providing a procedure for
14 collection of delinquent fines; clarifying that
15 a person registered as a lobbyist must file
16 expenditure reports until registration is
17 withdrawn or ends; amending s. 112.322, F.S.;
18 deleting provisions which require the
19 Commission on Ethics to report certain
20 delinquent financial disclosure filers to the
21 Department of Community Affairs; providing for
22 rules; amending s. 112.324, F.S.; clarifying
23 that the proper sanction authority in the case
24 of a current state legislator who commits an
25 act in violation of the Ethics Code prior to
26 joining the Legislature is vested in the house
27 in which the legislator serves; authorizing the
28 Commission on Ethics to investigate alleged
29 ethics violations on its own authority under
30 certain circumstances; amending s. 213.053,
31 F.S.; authorizing the Commission on Ethics to

1 access Department of Revenue information
2 received in connection with the administration
3 of taxes; creating s. 112.3232, F.S.;
4 authorizing the Commission on Ethics to seek
5 immunity for certain witnesses; amending s.
6 112.3185, F.S.; prohibiting retired employees
7 from certain representations of others;
8 amending s. 286.012, F.S.; prohibiting certain
9 public officials from voting on certain
10 matters; amending s. 440.442, F.S.;
11 transferring the filing location for public
12 financial reporting by judges of compensation
13 claims from the Secretary of State to the
14 Commission on Ethics; clarifying that the Code
15 of Judicial Conduct governs the reporting of
16 gifts for judges of compensation claims;
17 amending s. 914.21, F.S.; redefining the terms
18 "official proceeding" and "official
19 investigation"; extending the witness-tampering
20 laws to include Commission on Ethics
21 investigations and proceedings; repealing ss.
22 839.08, 839.09, 839.091, and 839.10, F.S.,
23 which provide criminal penalties for offenses
24 by public officers and employees relating to
25 the purchase of supplies or materials and the
26 bidding for public work; appropriating funds to
27 the Commission on Ethics; providing an
28 effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (6) of section 11.045, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 11.045 Lobbyists; registration and reporting;
4 exemptions; penalties.--

5 (6) The committee of either house shall investigate
6 any person engaged in legislative lobbying upon receipt of a
7 sworn complaint alleging a violation of this section, s.
8 11.046, s. 112.3148, or s. 112.3149 by such person. Such
9 proceedings shall be conducted pursuant to the rules of the
10 respective houses. If the committee finds that there has been
11 a violation of this section, s. 112.3148, or s. 112.3149, it
12 shall report its findings to the President of the Senate or
13 the Speaker of the House of Representatives, as appropriate,
14 together with a recommended penalty, to include a fine of not
15 more than \$5,000, reprimand, censure, probation, or
16 prohibition from lobbying for a period of time not to exceed
17 24 months. If the committee finds that there has been a
18 violation of s. 11.046, it shall report its findings to the
19 President of the Senate or the Speaker of the House of
20 Representatives, as appropriate, together with a recommended
21 penalty as provided in s. 11.046. Upon the receipt of such
22 report, the President of the Senate or the Speaker of the
23 House of Representatives shall cause the committee report and
24 recommendations to be brought before the respective house and
25 a final determination shall be made by a majority of said
26 house.

27 Section 2. Section 11.046, Florida Statutes, is
28 created to read:

29 11.046 Postemployment restrictions for legislative
30 employees.--

31 (1) As used in this section, "employee" means:

1 (a) Any person employed in the legislative branch of
2 government, except a person employed by the Commission on
3 Ethics or the Public Service Commission, holding a position in
4 the Senior Management Service as defined in s. 110.402.

5 (b) The Auditor General, the director of the Office of
6 Program Policy Analysis and Government Accountability, the
7 Sergeant at Arms and the Secretary of the Senate, and the
8 Sergeant at Arms and the Clerk of the House of
9 Representatives.

10 (c) The executive director of the Legislative
11 Committee on Intergovernmental Relations.

12 (d) An executive director, staff director, or deputy
13 staff director of each council, office, joint committee,
14 standing committee, or select committee of the Legislature or
15 any person, hired on a contractual basis, having the power
16 normally conferred upon such persons, by whatever title.

17 (e) An executive director, staff director, executive
18 assistant, analyst, or attorney of the Office of the President
19 of the Senate, the Office of the Speaker of the House of
20 Representatives, the Senate Majority Party Office, Senate
21 Minority Party Office, House Majority Party Office, or House
22 Minority Party Office, or any person, hired on a contractual
23 basis, having the power normally conferred upon such persons,
24 by whatever title.

25 (2) No employee shall personally represent another
26 person or entity for compensation before the Legislature for a
27 period of 2 years following vacation of position, unless
28 employed by another agency of state government.

29 (3) Any person violating this section shall be subject
30 to the penalties provided in s. 112.317(1)(d) and a civil
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1 penalty of an amount equal to the compensation which the
2 person receives for the prohibited conduct.

3 (4) This section is not applicable to a person
4 employed by the Legislature or other agency of state
5 government prior to July 1, 1989, whether or not the person
6 was a defined employee prior to July 1, 1989, and regardless
7 of continuity of service.

8 Section 3. Subsections (4), (12), and (14) of section
9 112.312, Florida Statutes, are amended to read:

10 112.312 Definitions.--As used in this part and for
11 purposes of the provisions of s. 8, Art. II of the State
12 Constitution, unless the context otherwise requires:

13 (4) "Business associate" means any person or entity
14 engaged in or carrying on a business enterprise with a public
15 officer, public employee, or candidate as a partner, joint
16 venturer, corporate shareholder where the shares of such
17 corporation are not listed on any national or regional stock
18 exchange, or coowner of property. When the public officer,
19 employee, or candidate is engaged in the business enterprise
20 through a corporation, partnership, or other entity in which
21 the officer, employee, or candidate directly or indirectly
22 owns a material interest, rather than directly and personally,
23 each such partner, joint venturer, corporate shareholder, or
24 coowner also is a "business associate" of the public officer,
25 employee, or candidate.

26 (12)(a) "Gift," for purposes of ethics in government
27 and financial disclosure required by law, means that which is
28 accepted by a donee or by another on the donee's behalf, or
29 that which is paid or given to another for or on behalf of a
30 donee, directly, indirectly, or in trust for the donee's
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- 1 benefit or by any other means, for which equal or greater
2 consideration is not given within 90 days, including:
- 3 1. Real property.
 - 4 2. The use of real property.
 - 5 3. Tangible or intangible personal property.
 - 6 4. The use of tangible or intangible personal
7 property.
 - 8 5. A preferential rate or terms on a debt, loan,
9 goods, or services, which rate is below the customary rate and
10 is not either a government rate available to all other
11 similarly situated government employees or officials or a rate
12 which is available to similarly situated members of the public
13 by virtue of occupation, affiliation, age, religion, sex, or
14 national origin.
 - 15 6. Forgiveness of an indebtedness.
 - 16 7. Transportation, other than that provided to a
17 public officer or employee by a governmental entity listed in
18 s. 112.3148(6)(a)~~an agency~~ in relation to officially approved
19 governmental business, lodging, or parking.
 - 20 8. Food or beverage.
 - 21 9. Membership dues.
 - 22 10. Entrance fees, admission fees, or tickets to
23 events, performances, or facilities.
 - 24 11. Plants, flowers, or floral arrangements.
 - 25 12. Services provided by persons pursuant to a
26 professional license or certificate.
 - 27 13. Other personal services for which a fee is
28 normally charged by the person providing the services.
 - 29 14. Any other similar service or thing having an
30 attributable value not already provided for in this section.
 - 31 (b) "Gift" does not include:

- 1 1. Salary, benefits, services, fees, commissions,
2 gifts, or expenses associated primarily with the donee's
3 employment, business, or service as an officer or director of
4 a corporation or organization.
- 5 2. Contributions or expenditures reported pursuant to
6 chapter 106, campaign-related personal services provided
7 without compensation by individuals volunteering their time,
8 or any other contribution or expenditure by a political party.
- 9 3. An honorarium or an expense related to an
10 honorarium event paid to a person or the person's spouse.
- 11 4. An award, plaque, certificate, or similar
12 personalized item given in recognition of the donee's public,
13 civic, charitable, or professional service.
- 14 5. An honorary membership in a service or fraternal
15 organization presented merely as a courtesy by such
16 organization.
- 17 6. The use of a public facility or public property,
18 made available by a governmental entity listed in s.
19 112.3148(6)(a)agency, for a public purpose.
- 20 7. Transportation provided to a public officer or
21 employee by an agency in relation to officially approved
22 governmental business.
- 23 8. Gifts provided directly or indirectly by a state,
24 regional, or national organization which promotes the exchange
25 of ideas between, or the professional development of,
26 governmental officials or employees, and whose membership is
27 primarily composed of elected or appointed public officials or
28 staff, to members of that organization or officials or staff
29 of a governmental agency that is a member of that
30 organization.
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1 (c) For the purposes of paragraph (a), "intangible
2 personal property" means property as defined in s.
3 192.001(11)(b).

4 (d) For the purposes of paragraph (a), the term
5 "consideration" does not include a promise to pay or otherwise
6 provide something of value unless the promise is in writing
7 and enforceable through the courts.

8 (14) "Liability" means any monetary debt or obligation
9 owed by the reporting person to another person, except for
10 credit card and retail installment accounts, taxes owed,
11 indebtedness on a life insurance policy owed to the company of
12 issuance, contingent liabilities other than those liabilities
13 for which one is a guarantor, or accrued income taxes on net
14 unrealized appreciation. Each liability which is required to
15 be disclosed by s. 8, Art. II of the State Constitution shall
16 identify the name and address of the creditor.

17 Section 4. Subsections (7), (8), (9), (12), (15), and
18 (16) of section 112.313, Florida Statutes, are amended to
19 read:

20 112.313 Standards of conduct for public officers,
21 employees of agencies, and local government attorneys.--

22 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL
23 RELATIONSHIP.--

24 (a) No public officer or employee of an agency shall
25 have or hold any employment or contractual relationship
26 directly, or indirectly through ownership of a majority
27 interest in a business entity, with any business entity or any
28 agency which is subject to the regulation of, or is doing
29 business with, an agency of which he or she is an officer or
30 employee, excluding those organizations and their officers
31 who, when acting in their official capacity, enter into or

1 negotiate a collective bargaining contract with the state or
2 any municipality, county, or other political subdivision of
3 the state; nor shall an officer or employee of an agency have
4 or hold any employment or contractual relationship that will
5 create a continuing or frequently recurring conflict between
6 his or her private interests and the performance of his or her
7 public duties or that would impede the full and faithful
8 discharge of his or her public duties.

9 1. When the agency referred to is that certain kind of
10 special tax district created by general or special law and is
11 limited specifically to constructing, maintaining, managing,
12 and financing improvements in the land area over which the
13 agency has jurisdiction, or when the agency has been organized
14 pursuant to chapter 298, then employment with, or entering
15 into a contractual relationship with, such business entity by
16 a public officer or employee of such agency shall not be
17 prohibited by this subsection or be deemed a conflict per se.
18 However, conduct by such officer or employee that is
19 prohibited by, or otherwise frustrates the intent of, this
20 section shall be deemed a conflict of interest in violation of
21 the standards of conduct set forth by this section.

22 2. When the agency referred to is a legislative body
23 and the regulatory power over the business entity resides in
24 another agency, or when the regulatory power which the
25 legislative body exercises over the business entity or agency
26 is strictly through the enactment of laws or ordinances, then
27 employment or a contractual relationship with such business
28 entity by a public officer or employee of a legislative body
29 shall not be prohibited by this subsection or be deemed a
30 conflict.

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1 (b) This subsection shall not prohibit a public
2 officer or employee from practicing in a particular profession
3 or occupation when such practice by persons holding such
4 public office or employment is required or permitted by law or
5 ordinance.

6 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--No
7 current or former public officer, employee of an agency, or
8 local government attorney shall disclose or use information
9 not available to members of the general public and gained by
10 reason of his or her official position, except for information
11 relating exclusively to governmental practices or procedures,
12 for his or her personal gain or benefit or for the personal
13 gain or benefit of any other person or business entity.

14 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT
15 FOR ELECTED AND APPOINTED OFFICERS ~~LEGISLATORS~~ AND PUBLIC
16 ~~LEGISLATIVE~~ EMPLOYEES.--

17 (a)1. It is the intent of the Legislature to implement
18 by statute the provisions of s. 8(e), Art. II of the State
19 Constitution relating to legislators, statewide elected
20 officers, appointed state officers, and designated public
21 employees.

22 2. As used in this paragraph:

23 a. "Employee" means:

24 (I) Any person employed in the executive ~~or~~
25 ~~legislative~~ branch of government, or by the Commission on
26 Ethics or the Public Service Commission, holding a position in
27 the Senior Management Service as defined in s. 110.402 or any
28 executive branch employee ~~person~~ holding a position in the
29 Selected Exempt Service as defined in s. 110.602 or any person
30 having authority over policy or procurement employed by the
31 Department of the Lottery.

1 ~~(II) The Auditor General, the Sergeant at Arms and~~
2 ~~Secretary of the Senate, and the Sergeant at Arms and Clerk of~~
3 ~~the House of Representatives.~~

4 (II)~~(III)~~ ~~The executive director of the Legislative~~
5 ~~Committee on Intergovernmental Relations and the executive~~
6 ~~director and deputy executive director of the Commission on~~
7 ~~Ethics.~~

8 ~~(IV) An executive director, staff director, or deputy~~
9 ~~staff director of each joint committee, standing committee, or~~
10 ~~select committee of the Legislature; an executive director,~~
11 ~~staff director, executive assistant, analyst, or attorney of~~
12 ~~the Office of the President of the Senate, the Office of the~~
13 ~~Speaker of the House of Representatives, the Senate Majority~~
14 ~~Party Office, Senate Minority Party Office, House Majority~~
15 ~~Party Office, or House Minority Party Office; or any person,~~
16 ~~hired on a contractual basis, having the power normally~~
17 ~~conferred upon such persons, by whatever title.~~

18 ~~(III)~~(V) ~~The Chancellor and Vice Chancellors of the~~
19 ~~State University System; the general counsel to the Board of~~
20 ~~Regents; and the president, vice presidents, and deans of each~~
21 ~~state university.~~

22 (IV)~~(VI)~~ ~~Any person having the power normally~~
23 ~~conferred upon the positions referenced in this~~
24 ~~sub-subparagraph.~~

25 b. "Appointed state officer" means any member of an
26 appointive board, commission, committee, council, or authority
27 of the executive or legislative branch of state government
28 whose powers, jurisdiction, and authority are not solely
29 advisory and include the final determination or adjudication
30 of any personal or property rights, duties, or obligations,
31 other than those relative to its internal operations.

1 c. "State agency" means the Commission on Ethics, the
2 Public Service Commission, or an entity of the ~~legislative,~~
3 ~~executive,~~ or judicial branch of state government over which
4 the Legislature exercises plenary budgetary and statutory
5 control.

6 3. No member of the Legislature, appointed state
7 officer, or statewide elected officer shall personally
8 represent another person or entity for compensation before the
9 government body or agency of which the individual was an
10 officer or member for a period of 2 years following vacation
11 of office. No member of the Legislature shall personally
12 represent another person or entity for compensation during his
13 or her term of office before any state agency other than
14 judicial tribunals or in settlement negotiations after the
15 filing of a lawsuit.

16 4. No agency employee shall personally represent
17 another person or entity for compensation before the agency
18 with which he or she was employed for a period of 2 years
19 following vacation of position, unless employed by another
20 agency of state government.

21 5. Any person violating this paragraph shall be
22 subject to the penalties provided in s. 112.317 and a civil
23 penalty of an amount equal to the compensation which the
24 person receives for the prohibited conduct.

25 6. This paragraph is not applicable to:

26 a. A person employed by the Legislature or other
27 agency prior to July 1, 1989;

28 b. A person who was employed by the Legislature or
29 other agency on July 1, 1989, whether or not the person was a
30 defined employee on July 1, 1989;

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1 c. A person who was a defined employee of the State
2 University System or the Public Service Commission who held
3 such employment on December 31, 1994;

4 d. A person who has reached normal retirement age as
5 defined in s. 121.021(29), and who has retired under the
6 provisions of chapter 121 by July 1, 1991; or

7 e. Any appointed state officer whose term of office
8 began before January 1, 1995, unless reappointed to that
9 office on or after January 1, 1995.

10 (b) In addition to the provisions of this part which
11 are applicable to legislators and legislative employees by
12 virtue of their being public officers or employees, the
13 conduct of members of the Legislature and legislative
14 employees shall be governed by the ethical standards provided
15 in the respective rules of the Senate or House of
16 Representatives which are not in conflict herewith.

17 (12) EXEMPTION.--The requirements of subsections (3)
18 and (7) as they pertain to persons serving on advisory boards
19 may be waived in a particular instance by the body which
20 appointed the person to the advisory board, upon a full
21 disclosure of the transaction or relationship to the
22 appointing body prior to the waiver and an affirmative vote in
23 favor of waiver by two-thirds vote of that body. In instances
24 in which appointment to the advisory board is made by an
25 individual, waiver may be effected, after public hearing, by a
26 determination by the appointing person and full disclosure of
27 the transaction or relationship by the appointee to the
28 appointing person. In addition, no person shall be held in
29 violation of subsection (3) or subsection (7) if:

30 (a) Within a city or county the business is transacted
31 under a rotation system whereby the business transactions are

1 rotated among all qualified suppliers of the goods or services
2 within the city or county.

3 (b) The business is awarded by the agency under a
4 system of sealed, competitive bidding to the lowest or best
5 bidder and:

6 1. The official or the official's spouse or child has
7 in no way participated in the determination of the bid
8 specifications or the determination of the lowest or best
9 bidder;

10 2. The official or the official's spouse or child has
11 in no way used or attempted to use the official's influence to
12 persuade the agency or any personnel thereof to enter such a
13 contract other than by the mere submission of the bid; and

14 3. The official, prior to or at the time of the
15 submission of the bid, has filed a statement with the
16 Commission on Ethics ~~Department of State~~, if the official is a
17 state officer or employee, or with the supervisor of elections
18 of the county in which the agency has its principal office, if
19 the official is an officer or employee of a political
20 subdivision, disclosing the official's interest, or the
21 interest of the official's spouse or child, and the nature of
22 the intended business.

23 (c) The purchase or sale by the agency is for legal
24 advertising in a newspaper, for any utilities service, or for
25 passage on a common carrier.

26 (d) An emergency purchase or contract which would
27 otherwise violate a provision of subsection (3) or subsection
28 (7) must be made by the agency in order to protect the health,
29 safety, or welfare of the citizens of the state or any
30 political subdivision thereof.

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1 (e) The business entity involved is the only source of
2 supply of the goods, property, or services being purchased by
3 the agency within the political subdivision of the officer or
4 employee and there is full disclosure by the officer or
5 employee of his or her interest in the business entity to the
6 governing body of the political subdivision prior to the
7 purchase, rental, sale, leasing, or other business being
8 transacted.

9 (f) The total amount of the transactions in the
10 aggregate between the business entity and the agency does not
11 exceed \$500 per calendar year.

12 (g) The fact that a county or municipal officer or
13 member or employee of a public board or body, including a
14 district school officer or an officer of any district within a
15 county, is a stockholder, officer, or director of a bank will
16 not bar such bank from qualifying as a depository of funds
17 coming under the jurisdiction of any such public board or
18 body, provided it appears in the records of the agency that
19 the governing body of the agency has investigated and formally
20 determined that such officer or member or employee of a public
21 board or body has not favored such bank over other qualified
22 banks.

23 (h) The transaction is made pursuant to s. 240.229 or
24 s. 240.241 and is specifically approved by the president and
25 the Chancellor. The Chancellor shall submit to the Governor
26 and the Legislature by March 1 of each year a report of the
27 transactions approved pursuant to this paragraph during the
28 preceding year.

29 (i) The public officer or employee purchases in a
30 private capacity ~~goods or services~~, at a price and upon terms
31 available to similarly situated members of the general public,

1 from a business entity which is doing business with his or her
2 agency goods or services that are regularly provided by the
3 business entity to the general public.

4 (j) The public officer or employee in a private
5 capacity purchases goods or services from a business entity
6 which is subject to the regulation of his or her agency and:

7 1. The price and terms of the transaction are
8 available to similarly situated members of the general public;
9 and

10 2. The officer or employee makes full disclosure of
11 the relationship to the agency head or governing body prior to
12 the transaction.

13 (15) ADDITIONAL EXEMPTION.--No elected public officer
14 shall be held in violation of subsection (7) if the officer
15 maintains an employment relationship with an entity which is
16 currently a tax-exempt organization under s. 501(c) of the
17 Internal Revenue Code and which contracts with or otherwise
18 enters into a business relationship with the officer's agency
19 and:

20 (a) The officer's employment is not directly or
21 indirectly compensated as a result of such contract or
22 business relationship;

23 (b) The officer has in no way participated in the
24 agency's decision to contract or to enter into the business
25 relationship with the entity ~~his or her employer~~, whether by
26 participating in discussion at the meeting, by communicating
27 with officers or employees of the agency, or otherwise, unless
28 the agency's decision preceded the entity's offer of
29 employment to the officer by more than 1 year; and

30 (c) The officer abstains from voting on any matter
31 which may come before the agency involving the officer's

1 employer, publicly states to the assembly the nature of the
2 officer's interest in the matter from which he or she is
3 abstaining, and files a written memorandum as provided in s.
4 112.3143.

5 (16) LOCAL GOVERNMENT ATTORNEYS.--

6 (a) For the purposes of this section, "local
7 government attorney" means any individual who routinely serves
8 as the primary or principal attorney for a unit of local
9 government. The term shall not include any person who renders
10 legal services to a unit of local government pursuant to
11 contract limited to a specific issue or subject, to specific
12 litigation, or to a specific administrative proceeding or an
13 assistant to the primary or principal attorney for the unit of
14 local government. For the purposes of this section, "unit of
15 local government" includes, but is not limited to,
16 municipalities, counties, and special districts.

17 (b) It shall not constitute a violation of subsection
18 (3) or subsection (7) for a unit of local government to
19 contract with a law firm, operating as either a partnership or
20 a professional association, or in any combination thereof, or
21 with a local government attorney who is a member of or is
22 otherwise associated with the law firm, to provide any or all
23 legal services to the unit of local government, so long as the
24 local government attorney is not a full-time employee or
25 member of the governing body of the unit of local government.
26 However, the standards of conduct as provided in subsections
27 (2), (4), (5), (6), and (8) shall apply to any person who
28 serves as a local government attorney.

29 (c) No local government attorney or law firm in which
30 the local government attorney is a member, partner, or
31 employee shall represent a private individual or entity before

1 the unit of local government to which the local government
2 attorney provides legal services. A local government attorney
3 whose contract with the unit of local government does not
4 include provisions that authorize or mandate the use of the
5 law firm of the local government attorney to complete legal
6 services for the unit of local government shall not recommend
7 or otherwise refer legal work to that attorney's law firm to
8 be completed for the unit of local government.

9 Section 5. Section 112.3144, Florida Statutes, is
10 amended to read:

11 112.3144 Full and public disclosure of financial
12 interests.--

13 (1) An officer who is required, pursuant to s. 8, Art.
14 II of the State Constitution, to file a full and public
15 disclosure of financial interests for any calendar or fiscal
16 year shall file the disclosure with the Florida Commission on
17 Ethics.

18 (2)(1) ~~A~~ ~~No~~ person who is required, pursuant to s. 8,
19 Art. II of the State Constitution, to file a full and public
20 disclosure of financial interests and who has filed a full and
21 public disclosure of financial interests for any calendar or
22 fiscal year shall not be required to file a statement of
23 financial interests pursuant to s. 112.3145(2) and (3) for the
24 same year or for any part thereof notwithstanding any
25 requirement of this part, except that a candidate for office
26 shall file a copy of his or her disclosure with the officer
27 before whom he or she qualifies.

28 (3)(2) For purposes of full and public disclosure
29 under s. 8(a), Art. II of the State Constitution, the
30 following items, if not held for investment purposes and if
31 valued at over \$1,000 in the aggregate, may be reported in a

1 lump sum and identified as "household goods and personal
2 effects":
3 (a) Jewelry;
4 (b) Collections of stamps, guns, and numismatic
5 properties;
6 (c) Art objects;
7 (d) Household equipment and furnishings;
8 (e) Clothing;
9 (f) Other household items; and
10 (g) Vehicles for personal use.
11 (4) In addition to the requirements of s. 8, Art. II
12 of the State Constitution, any person required to file a full
13 and public disclosure of financial interests shall identify
14 the name of each business associate, as defined in s. 112.312,
15 and the name and address of the business enterprise associated
16 therewith, along with a description, as clear as practicable,
17 of the principal type of business conducted by the business
18 enterprise.
19 (5)(a) Full and public disclosure filed pursuant to s.
20 8, Art. II of the State Constitution requires the reporting of
21 net worth in one of the following dollar categories:
22 1. Less than one dollar.
23 2. \$1 to \$100,000.
24 3. \$100,001 to \$250,000.
25 4. \$250,001 to \$500,000.
26 5. \$500,001 to \$1,000,000.
27 6. \$1,000,001 to \$2,000,000.
28 7. Greater than \$2,000,000.
29 (b) Full and public disclosure filed pursuant to s. 8,
30 Art. II of the State Constitution requires the reporting of
31

1 each asset and liability in excess of \$1,000 in one of the
2 following categories:

- 3 1. \$1,001 to \$5,000.
- 4 2. \$5,001 to \$10,000.
- 5 3. \$10,001 to \$25,000.
- 6 4. \$25,001 to \$50,000.
- 7 5. \$50,001 to \$100,000.
- 8 6. \$100,001 to \$250,000.
- 9 7. \$250,001 to \$500,000.
- 10 8. \$500,001 to \$1,000,000.
- 11 9. Greater than \$1,000,000.

12 ~~(6)(3)~~ Forms for compliance with the full and public
13 disclosure requirements of s. 8, Art. II of the State
14 Constitution, ~~and a current list of persons required to file~~
15 ~~full and public disclosure by s. 8, Art. II of the State~~
16 ~~Constitution, or other state law, shall be created provided by~~
17 ~~the Commission on Ethics. The commission to the Secretary of~~
18 ~~State, who shall give notice of disclosure deadlines and~~
19 ~~delinquencies and distribute forms in the following manner:~~

20 (a) Not later than May 1 of each year, the commission
21 ~~on Ethics~~ shall prepare a current list of the names and
22 addresses of and the offices held by every person required to
23 file full and public disclosure annually by s. 8, Art. II of
24 the State Constitution, or other state law, ~~and shall provide~~
25 ~~the Secretary of State with the mailing list.~~ In compiling the
26 list, the commission shall be assisted by each unit of
27 government in providing at the request of the commission the
28 name, address, and name of the office held by each public
29 official within the respective unit of government.

30 (b) Not later than 30 days before July 1 of each year,
31 the commission ~~Secretary of State~~ shall mail a copy of the

1 form prescribed for compliance with full and public disclosure
2 and a notice of the filing deadline to each person on the
3 mailing list.

4 (c) Not later than 30 days after July 1 of each year,
5 the commission ~~Secretary of State~~ shall determine which
6 persons on the mailing list have failed to file full and
7 public disclosure and shall send delinquency notices by
8 certified mail to such persons. Each notice shall state that a
9 grace period is in effect until September 1 of the current
10 year and that, if the statement is not filed by September 1 of
11 the current year, a \$25 fine for each day late will be
12 imposed, up to a maximum penalty of \$1,500; and that, if upon
13 the filing of a sworn complaint the commission finds that the
14 person has failed to timely file the statement within 60 days
15 of September 1 of the current year, such person shall also be
16 subject to the penalties provided in s. 112.317 ~~the Secretary~~
17 ~~of State is required by law to notify the Commission on Ethics~~
18 ~~of the delinquency.~~

19 (d) Statements shall be filed not later than 5 p.m. of
20 the due date. However, any statement that is postmarked by the
21 United States Postal Service no later than midnight of the due
22 date shall be deemed to have been filed in a timely manner,
23 and a certificate of mailing obtained from and dated by the
24 United States Postal Service at the time of the mailing, or a
25 receipt from an established courier company which bears a date
26 on or before the due date, shall be proof of mailing in a
27 timely manner.

28 (e) Any person who is required to file full and public
29 disclosure of financial interests and whose name is on the
30 commission's mailing list but who fails to timely file is
31 assessed a fine of \$25 per day for each day late up to a

1 maximum of \$1,500; however, the \$1,500 maximum on automatic
2 finer shall not limit the civil penalty that may be imposed if
3 the statement is filed more than 60 days after the deadline
4 and a complaint is filed, as provided in s. 112.324. The
5 commission shall provide by rule a procedure by which each
6 person whose name is on the mailing list and who is determined
7 to have not filed in a timely manner shall be notified of
8 assessed fines. The rule shall provide for the following:
9 1. The amount of the fine due is based upon the
10 earliest of the following:
11 a. When a statement is actually received by the
12 office.
13 b. When the statement is postmarked.
14 c. When the certificate of mailing is dated.
15 d. When the receipt from an established courier
16 company is dated.
17 2. Upon receipt of the disclosure statement or upon
18 accrual of the maximum penalty, whichever occurs first, the
19 commission shall determine the amount of the fine which is due
20 and shall notify the delinquent person. The notice shall
21 include an explanation of the appeal procedure in subparagraph
22 3. Such fine shall be paid within 30 days after the notice of
23 payment due is transmitted, unless appeal is made to the
24 commission pursuant to subparagraph 3. The moneys shall be
25 deposited into the General Revenue Fund.
26 3. Any reporting person may appeal or dispute a fine,
27 based upon unusual circumstances surrounding the failure to
28 file on the designated due date, and may request and shall be
29 entitled to a hearing before the commission, which shall have
30 the authority to waive the fine in whole or in part for good
31 cause shown. Any such request shall be made within 30 days

1 after the notice of payment due is transmitted. In such case,
2 the reporting person shall, within the 30-day period, notify
3 in writing the person designated to review the timeliness of
4 reports of his or her intention to bring the matter before the
5 commission.

6 ~~(d) Not later than 30 days following September 1 of~~
7 ~~each year, the Secretary of State shall certify to the~~
8 ~~Commission on Ethics a list of the names and addresses of and~~
9 ~~the offices held by all persons on the mailing list who have~~
10 ~~failed to timely file full and public disclosure. The~~
11 ~~certification shall be on a form prescribed by the commission~~
12 ~~and shall indicate whether the Secretary of State has provided~~
13 ~~the disclosure forms and notice as required by this section to~~
14 ~~all persons named on the delinquency list.~~

15 ~~(f)(e)~~ Any person subject to the annual filing of full
16 and public disclosure under s. 8, Art. II of the State
17 Constitution, or other state law, whose name is not on the
18 commission's mailing list of persons required to file full and
19 public disclosure provided to the Secretary of State shall not
20 be subject to the fines or penalties provided in this part
21 deemed delinquent for failure to file full and public
22 disclosure in any year in which the omission occurred, but
23 nevertheless shall be required to file the disclosure
24 statement.

25 ~~(g)(f)~~ The notification requirements and fines of this
26 subsection do not apply to candidates or to the first filing
27 required of any person appointed to elective constitutional
28 office or other position required to file full and public
29 disclosure, unless the person's name is on the commission's
30 notification list and the person received notification from
31 the commission. The appointing official shall notify such

1 newly appointed person of the obligation to file full and
2 public disclosure by July 1. The notification requirements and
3 finances of this subsection do not apply to the final filing
4 provided for in subsection (7).

5 (h) Notwithstanding any provision of chapter 120, any
6 fine imposed under this subsection that is not waived by final
7 order of the commission and that remains unpaid more than 60
8 days after the notice of payment due or more than 60 days
9 after the commission renders a final order on the appeal shall
10 be submitted to the Department of Banking and Finance as a
11 claim, debt, or other obligation owed to the state, and the
12 department shall assign the collection of such fine to a
13 collection agent as provided in s. 17.20.

14 (7) Each person required to file full and public
15 disclosure of financial interests shall file a final
16 disclosure statement within 60 days after leaving his or her
17 public position for the period between January 1 of the year
18 in which the person leaves office and the last day of office
19 or employment, unless within the 60-day period the person
20 takes another public position requiring financial disclosure
21 under s. 8, Art. II of the State Constitution, or otherwise is
22 required to file full and public disclosure for the final
23 disclosure period.

24 (8) The commission shall adopt rules and forms
25 specifying how a person required to file full and public
26 disclosure of financial interests may amend his or her
27 disclosure statement to report information that was not
28 included on the originally filed form. If the amendment is the
29 subject of a complaint filed under this part, the commission
30 and the proper disciplinary official or body shall take into
31 account as a mitigating factor when considering appropriate

1 disciplinary action the fact that the amendment was filed
2 before any complaint or other inquiry or proceeding, while
3 recognizing that the public was deprived of access to
4 information to which it was entitled.

5 Section 6. Section 112.3145, Florida Statutes, is
6 amended to read:

7 112.3145 Disclosure of financial interests and clients
8 represented before agencies.--

9 (1) For purposes of this section, unless the context
10 otherwise requires, the term:

11 (a) "Local officer" means:

12 1. Every person who is elected to office in any
13 political subdivision of the state, and every person who is
14 appointed to fill a vacancy for an unexpired term in such an
15 elective office.

16 2. Any appointed member of any of the following
17 boards, councils, commissions, authorities, or other bodies of
18 any county, municipality, school district, independent special
19 district, or other political subdivision of the state:

20 a. The governing body of the political subdivision, if
21 appointed;

22 b. An expressway authority or transportation authority
23 established by general law;

24 c. A community college or junior college district
25 board of trustees;

26 d. A board having the power to enforce local code
27 provisions;

28 e. A planning or zoning board, board of adjustment,
29 board of appeals, or other board having the power to
30 recommend, create, or modify land planning or zoning within
31 the political subdivision, except for citizen advisory

1 committees, technical coordinating committees, and such other
2 groups who only have the power to make recommendations to
3 planning or zoning boards;

4 f. A pension board or retirement board having the
5 power to invest pension or retirement funds or the power to
6 make a binding determination of one's entitlement to or amount
7 of a pension or other retirement benefit; or

8 g. Any other appointed member of a local government
9 board who is required to file a statement of financial
10 interests by the appointing authority or the enabling
11 legislation, ordinance, or resolution creating the board.

12 ~~board; commission; authority, including any expressway~~
13 ~~authority or transportation authority established by general~~
14 ~~law; community college district board of trustees; or council~~
15 ~~of any political subdivision of the state, excluding any~~
16 ~~member of an advisory body. A governmental body with~~
17 ~~land planning, zoning, or natural resources responsibilities~~
18 ~~shall not be considered an advisory body.~~

19 3. Any person holding one or more of the following
20 positions: mayor; county or city manager; chief administrative
21 employee of a county, municipality, or other political
22 subdivision; county or municipal attorney; chief county or
23 municipal building inspector; county or municipal water
24 resources coordinator; county or municipal pollution control
25 director; county or municipal environmental control director;
26 county or municipal administrator, with power to grant or deny
27 a land development permit; chief of police; fire chief;
28 municipal clerk; district school superintendent; community
29 college president; district medical examiner; or purchasing
30 agent having the authority to make any purchase exceeding

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1 ~~\$5,000~~\$1,000 for any political subdivision of the state or
2 any entity thereof.

3 (b) "Specified state employee" means:

4 1. Public counsel created by chapter 350, an assistant
5 state attorney, an assistant public defender, a full-time
6 state employee who serves as counsel or assistant counsel to
7 any state agency, a judge of compensation claims, an
8 administrative law judge, or a hearing officer.

9 2. Any person employed in the office of the Governor
10 or in the office of any member of the Cabinet if that person
11 is exempt from the Career Service System, except persons
12 employed in clerical, secretarial, or similar positions.

13 3. Each appointed secretary, assistant secretary,
14 deputy secretary, executive director, assistant executive
15 director, or deputy executive director of each state
16 department, commission, board, or council; unless otherwise
17 provided, the division director, assistant division director,
18 deputy director, bureau chief, and assistant bureau chief of
19 any state department or division; or any person having the
20 power normally conferred upon such persons, by whatever title.

21 4. The superintendent or institute director of a state
22 mental health institute established for training and research
23 in the mental health field or the superintendent or director
24 of any major state institution or facility established for
25 corrections, training, treatment, or rehabilitation.

26 5. Business managers, purchasing agents having the
27 power to make any purchase exceeding ~~\$5,000~~\$1,000, finance
28 and accounting directors, personnel officers, or grants
29 coordinators for any state agency.

30 6. Any person, other than a legislative assistant
31 exempted by the presiding officer of the house by which the

1 legislative assistant is employed, who is employed in the
2 legislative branch of government, except persons employed in
3 maintenance, clerical, secretarial, or similar positions.

4 7. Each employee of the Commission on Ethics.

5 (c) "State officer" means:

6 1. Any elected public officer, excluding those elected
7 to the United States Senate and House of Representatives, not
8 covered elsewhere in this part and any person who is appointed
9 to fill a vacancy for an unexpired term in such an elective
10 office.

11 2. An appointed member of each board, commission,
12 authority, or council having statewide jurisdiction, excluding
13 a member of an advisory body.

14 3. A member of the Board of Regents, the Chancellor
15 and Vice Chancellors of the State University System, and the
16 president of a state university.

17 (2)(a) A person seeking nomination or election to a
18 state or local elective office shall file a statement of
19 financial interests together with, and at the same time he or
20 she files, qualifying papers.

21 (b) Each state or local officer and each specified
22 state employee shall file a statement of financial interests
23 no later than July 1 of each year. Each former state or local
24 officer or specified state employee shall file a final
25 financial disclosure statement within 60 days after leaving
26 his or her public position for the period between January 1 of
27 the year in which the person leaves and the last day of office
28 or employment, unless within the 60-day period the person
29 takes another public position requiring disclosure under this
30 section or s. 8, Art. II of the State Constitution, or
31 otherwise is required to file full and public disclosure for

1 the final reporting period. Each state or local officer who is
2 appointed and each specified state employee who is employed
3 shall file a statement of financial interests within 30 days
4 from the date of appointment or, in the case of a specified
5 state employee, from the date on which the employment begins,
6 except that any person whose appointment is subject to
7 confirmation by the Senate shall file prior to confirmation
8 hearings or within 30 days from the date of appointment,
9 whichever comes first.

10 (c) State officers, ~~persons qualifying for a state~~
11 ~~office,~~ and specified state employees shall file their
12 statements of financial interests with the Commission on
13 Ethics Secretary of State. Local officers shall file their
14 statements of financial interests with the supervisor of
15 elections of the county in which they permanently reside.
16 Local officers who do not permanently reside in any county in
17 the state shall file their statements of financial interests
18 with the supervisor of elections of the county in which their
19 agency maintains its headquarters. Persons seeking to qualify
20 as candidates for local public office shall file their
21 statements of financial interests with the officer before whom
22 they qualify.

23 (3) The statement of financial interests for state
24 officers, specified state employees, local officers, and
25 persons seeking to qualify as candidates for state or local
26 office shall be filed even if the reporting person holds no
27 financial interests requiring disclosure, in which case the
28 statement shall be marked "not applicable." Otherwise, the
29 statement of financial interests shall include:

30 (a) All sources of income in excess of \$2,500 ~~5~~
31 ~~percent of the gross income~~ received during the disclosure

1 period by the person in his or her own name or by any other
2 person for his or her use or benefit, excluding public salary.
3 However, this shall not be construed to require disclosure of
4 a business partner's sources of income. The person reporting
5 shall list such sources in descending order of value with the
6 largest source first.

7 (b) All sources of income to a business entity in
8 excess of 10 percent of the gross income of a business entity
9 in which the reporting person held a material interest and
10 from which he or she received gross income in excess of \$5,000
11 during the disclosure period ~~an amount which was in excess of~~
12 ~~10 percent of his or her gross income during the disclosure~~
13 ~~period and which exceeds \$1,500.~~ The period for computing the
14 gross income of the business entity is the fiscal year of the
15 business entity which ended on, or immediately prior to, the
16 end of the disclosure period of the person reporting.

17 (c) The location or description of real property in
18 this state, except for residences and vacation homes, owned
19 directly or indirectly by the person reporting, when such
20 person owns in excess of 5 percent of the value of such real
21 property, and a general description of any intangible personal
22 property worth in excess of \$10,000 ~~10 percent of such~~
23 ~~person's total assets.~~ For the purposes of this paragraph,
24 indirect ownership does not include ownership by a spouse or
25 minor child.

26 (d) Every liability in excess of \$10,000 ~~which in sum~~
27 ~~equals more than the reporting person's net worth.~~

28 (e) The name of each business associate, as defined in
29 s. 112.312, and the name and address of the business
30 enterprise associated therewith, along with a description, as
31

1 clear as practicable, of the principal type of business
2 conducted by the business enterprise.

3 (4) Each elected constitutional officer, state
4 officer, local officer, and specified state employee shall
5 file a quarterly report of the names of clients represented
6 for a fee or commission, except for appearances in ministerial
7 matters, before agencies at his or her level of government.
8 For the purposes of this part, agencies of government shall be
9 classified as state-level agencies or agencies below state
10 level. Each local officer shall file such report with the
11 supervisor of elections of the county in which the officer is
12 principally employed or is a resident. Each state officer,
13 elected constitutional officer, and specified state employee
14 shall file such report with the commission ~~Secretary of State~~.
15 The report shall be filed only when a reportable
16 representation is made during the calendar quarter and shall
17 be filed no later than the last day of each calendar quarter,
18 ~~for the previous calendar 15 days after the last day of the~~
19 quarter. Representation before any agency shall be deemed to
20 include representation by such officer or specified state
21 employee or by any partner or associate of the professional
22 firm of which he or she is a member and of which he or she has
23 actual knowledge. For the purposes of this subsection, the
24 term "representation before any agency" does not include
25 appearances before any court or Chief Judges of Compensation
26 Claims or judges of compensation claims or representations on
27 behalf of one's agency in one's official capacity. Such term
28 does not include the preparation and filing of forms and
29 applications merely for the purpose of obtaining or
30 transferring a license based on a quota or a franchise of such
31 agency or a license or operation permit to engage in a

1 profession, business, or occupation, so long as the issuance
2 or granting of such license, permit, or transfer does not
3 require substantial discretion, a variance, a special
4 consideration, or a certificate of public convenience and
5 necessity. If the name of the client is confidential under the
6 laws applicable to the proceeding in which the client was
7 represented, then the reporting person shall list the name of
8 the agency before which the representation was made and report
9 the name of the client as "anonymous."

10 (5) Each elected constitutional officer and each
11 candidate for such office, any other public officer required
12 pursuant to s. 8, Art. II of the State Constitution to file a
13 full and public disclosure of his or her financial interests,
14 and each state officer, local officer, specified state
15 employee, and candidate for elective public office who is or
16 was during the disclosure period an officer, director,
17 partner, proprietor, or agent, other than a resident agent
18 solely for service of process, of, or owns or owned during the
19 disclosure period a material interest in, any business entity
20 which is granted a privilege to operate in this state shall
21 disclose such facts as a part of the disclosure form filed
22 pursuant to s. 8, Art. II of the State Constitution or this
23 section, as applicable. The statement shall give the name,
24 address, and principal business activity of the business
25 entity and shall state the position held with such business
26 entity or the fact that a material interest is owned and the
27 nature of that interest.

28 (6) Forms for compliance with the disclosure
29 requirements of this section and a current list of persons
30 subject to disclosure shall be created ~~provided~~ by the
31 commission ~~on Ethics to the Secretary of State~~ and provided to

1 each supervisor of elections. The commission and each
2 supervisor of elections, ~~who~~ shall give notice of disclosure
3 deadlines and delinquencies and distribute forms in the
4 following manner:

5 (a)1. Not later than May 1 of each year, the
6 ~~commission on Ethics~~ shall prepare a current list of the names
7 and addresses of, and the offices or positions held by, every
8 state officer, local officer, and specified employee. In
9 compiling the list, the commission shall be assisted by each
10 unit of government in providing, at the request of the
11 commission, the name, address, and name of agency of, and the
12 office or position held by, each state officer, local officer,
13 or specified state employee within the respective unit of
14 government.

15 2. Not later than May 15 of each year, the commission
16 ~~shall provide the Secretary of State with a current mailing~~
17 ~~list of all state officers and specified employees and shall~~
18 provide each supervisor of elections with a current mailing
19 list of all local officers required to file with such
20 supervisor of elections.

21 (b) Not later than 30 days before July 1 of each year,
22 the commission ~~Secretary of State~~ and each supervisor of
23 elections, as appropriate, shall mail a copy of the form
24 prescribed for compliance with subsection (3) and a notice of
25 all applicable disclosure forms and filing deadlines to each
26 person required to file a statement of financial interests.

27 (c) Not later than 30 days after July 1 of each year,
28 the commission ~~Secretary of State~~ and each supervisor of
29 elections shall determine which persons required to file a
30 statement of financial interests in their respective offices
31 have failed to do so and shall send delinquency notices by

1 certified mail to such persons. Each notice shall state that
2 a grace period is in effect until September 1 of the current
3 year; that no investigative or disciplinary action based upon
4 the delinquency will be taken by the agency head or Commission
5 on Ethics if the statement is filed by September 1 of the
6 current year; that, if the statement is not filed by September
7 1 of the current year, a fine of \$25 for each day late will be
8 imposed, up to a maximum penalty of \$1,500; for notices sent
9 by a supervisor of elections, that he or she is required by
10 law to notify the Commission on Ethics of the delinquency; and
11 that, if upon the filing of a sworn complaint the commission
12 finds that the person has failed to timely file the statement
13 within 60 days after ~~by~~ September 1 of the current year, such
14 person shall also be subject to the penalties provided in s.
15 112.317.

16 (d) No later than November 15 of each year,~~Not later~~
17 ~~than 30 days following September 1 of each year,~~ the Secretary
18 ~~of State~~ and the supervisor of elections in each county shall
19 certify to the commission ~~on Ethics~~ a list of the names and
20 addresses of, and the offices or positions held by, all
21 persons who have failed to timely file the required statements
22 of financial interests. The certification must include the
23 earliest of the dates described in subparagraph (f)1.The
24 certification shall be on a form prescribed by the commission
25 and shall indicate whether the supervisor of elections
26 ~~respective certifying official~~ has provided the disclosure
27 forms and notice as required by this subsection to all persons
28 named on the delinquency list.

29 (e) Statements shall be filed not later than 5 p.m. of
30 the due date. However, any statement that is postmarked by the
31 United States Postal Service no later than midnight of the due

1 date shall be deemed to have been filed in a timely manner,
2 and a certificate of mailing obtained from and dated by the
3 United States Postal Service at the time of the mailing, or a
4 receipt from an established courier company which bears a date
5 on or before the due date, shall be proof of mailing in a
6 timely manner.

7 (f) Any person who is required to file a statement of
8 financial interests and whose name is on the commission's
9 mailing list but who fails to timely file is hereby assessed a
10 fine of \$25 per day for each day late up to a maximum of
11 \$1,500; however, the \$1,500 maximum on automatic fines shall
12 not limit the civil penalty that can be imposed if the
13 statement is filed more than 60 days after the deadline and a
14 complaint is filed, as provided in s. 112.324. The commission
15 shall provide by rule a procedure by which each person whose
16 name is on the mailing list and who is determined to have not
17 filed in a timely manner shall be notified of assessed fines.
18 The rule shall provide for the following:

19 1. The amount of the fine due is based upon the
20 earliest of the following:

21 a. When a statement is actually received by the
22 office.

23 b. When the statement is postmarked.

24 c. When the certificate of mailing is dated.

25 d. When the receipt from an established courier
26 company is dated.

27 2. For a specified state employee or a state officer,
28 upon receipt of the disclosure statement by the commission or
29 upon accrual of the maximum penalty, whichever occurs first,
30 and for a local officer upon receipt by the commission of the
31 certification from the local officer's supervisor of elections

1 pursuant to paragraph (d), the commission shall determine the
2 amount of the fine which is due and shall notify the
3 delinquent person. The notice shall include an explanation of
4 the appeal procedure in subparagraph 3. Such fine shall be
5 paid within 30 days after the notice of payment due is
6 transmitted, unless appeal is made to the commission pursuant
7 to subparagraph 3. The moneys shall be deposited into the
8 General Revenue Fund.

9 3. Any reporting person may appeal or dispute a fine,
10 based upon unusual circumstances surrounding the failure to
11 file on the designated due date, and may request and shall be
12 entitled to a hearing before the commission, which shall have
13 the authority to waive the fine in whole or in part for good
14 cause shown. Any such request shall be made within 30 days
15 after the notice of payment due is transmitted. In such case,
16 the reporting person shall, within the 30-day period, notify
17 in writing the person designated to review the timeliness of
18 reports of his or her intention to bring the matter before the
19 commission.

20 (g)(e) Any state officer, local officer, or specified
21 employee whose name is not on the mailing list of persons
22 required to file statements of financial interests ~~provided to~~
23 ~~the Secretary of State or supervisor of elections~~ is not
24 subject to the penalties provided in s. 112.317 or the fine
25 provided in this section for failure to timely file a
26 statement of financial interests in any year in which the
27 omission occurred, but nevertheless shall be required to file
28 the disclosure statement.

29 (h)(f) The notification requirements and fines of this
30 subsection do not apply to candidates or to the first or final
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1 filing required of any state officer, specified employee, or
2 local officer as provided in paragraph (2)(b).

3 (i) Notwithstanding any provision of chapter 120, any
4 fine imposed under this subsection that is not waived by final
5 order of the commission and that remains unpaid more than 60
6 days after the notice of payment due or more than 60 days
7 after the commission renders a final order on the appeal shall
8 be submitted to the Department of Banking and Finance as a
9 claim, debt, or other obligation owed to the state, and the
10 department shall assign the collection of such fine to a
11 collection agent as provided in s. 17.20.

12 (7) The appointing official or body shall notify each
13 newly appointed local officer, state officer, or specified
14 state employee, not later than the date of appointment, of the
15 officer's or employee's duty to comply with the disclosure
16 requirements of this section. The agency head of each
17 employing agency shall notify each newly employed local
18 officer or specified state employee, not later than the day of
19 employment, of the officer's or employee's duty to comply with
20 the disclosure requirements of this section. The appointing
21 official or body or employing agency head may designate a
22 person to be responsible for the notification requirements of
23 this section.

24 (8) A public officer who has filed a disclosure for
25 any calendar or fiscal year shall not be required to file a
26 second disclosure for the same year or any part thereof,
27 notwithstanding any requirement of this act, except that any
28 public officer who qualifies as a candidate for public office
29 shall file a copy of the disclosure with the officer before
30 whom he or she qualifies as a candidate at the time of
31 qualification.

1 (9) The commission shall adopt rules and forms
2 specifying how a state officer, local officer, or specified
3 state employee may amend his or her statement of financial
4 interests to report information that was not included on the
5 originally filed form. If the amendment is the subject of a
6 complaint filed under this part, the commission and the proper
7 disciplinary official or body shall take into account as a
8 mitigating factor when considering appropriate disciplinary
9 action the fact that the amendment was filed before any
10 complaint or other inquiry or proceeding, while recognizing
11 that the public was deprived of access to information to which
12 it was entitled.

13 Section 7. Section 112.3146, Florida Statutes, is
14 amended to read:

15 112.3146 Public records.--The statements required by
16 ss. 112.313, 112.3144, 112.3145, 112.3148, and 112.3149 shall
17 be public records within the meaning of s. 119.01.

18 Section 8. Section 112.3147, Florida Statutes, is
19 amended to read:

20 112.3147 Forms.--All information required to be
21 furnished by ss. 112.313, 112.3143, 112.3144, 112.3145,
22 112.3148, and 112.3149 and by s. 8, Art. II of the State
23 Constitution shall be on forms prescribed by the Commission on
24 Ethics.

25 Section 9. Section 112.3148, Florida Statutes, 1998
26 Supplement, is amended to read:

27 112.3148 Reporting and prohibited receipt of gifts by
28 individuals filing full or limited public disclosure of
29 financial interests and by procurement employees.--
30
31

1 (1) The provisions of this section do not apply to
2 gifts solicited or accepted by a reporting individual or
3 procurement employee from a relative.

4 (2) As used in this section:

5 (a) "Immediate family" means any parent, spouse,
6 child, or sibling.

7 (b)1. "Lobbyist" means any natural person who, for
8 compensation, seeks, or sought during the preceding 12 months,
9 to influence the governmental decisionmaking of a reporting
10 individual or procurement employee or his or her agency or
11 seeks, or sought during the preceding 12 months, to encourage
12 the passage, defeat, or modification of any proposal or
13 recommendation by the reporting individual or procurement
14 employee or his or her agency.

15 2. With respect to an agency that has established by
16 rule, ordinance, or law a registration process for persons
17 seeking to influence decisionmaking or to encourage the
18 passage, defeat, or modification of any proposal or
19 recommendation by such agency or an employee or official of
20 the agency, the term "lobbyist" includes only a person who is
21 required to be registered as a lobbyist in accordance with
22 such rule, ordinance, or law or who was during the preceding
23 12 months required to be registered as a lobbyist in
24 accordance with such rule, ordinance, or law. At a minimum,
25 such a registration system must require the registration of,
26 or must designate, persons as "lobbyists" who engage in the
27 same activities as require registration to lobby the
28 Legislature pursuant to s. 11.045.

29 (c) "Person" includes individuals, firms,
30 associations, joint ventures, partnerships, estates, trusts,
31

1 business trusts, syndicates, fiduciaries, corporations, and
2 all other groups or combinations.

3 (d) "Reporting individual" means any individual,
4 including a candidate, who is required by law, pursuant to s.
5 8, Art. II of the State Constitution or s. 112.3145, to file
6 full or limited public disclosure of his or her financial
7 interests or any individual who has been elected to, but has
8 yet to officially assume the responsibilities of, public
9 office. For purposes of implementing this section, the
10 "agency" of a reporting individual who is not an officer or
11 employee in public service is the agency to which the
12 candidate seeks election, or in the case of an individual
13 elected to but yet to formally take office, the agency in
14 which the individual has been elected to serve.

15 (e) "Procurement employee" means any employee of an
16 officer, department, board, commission, or council of the
17 executive branch or judicial branch of state government who
18 participates through decision, approval, disapproval,
19 recommendation, preparation of any part of a purchase request,
20 influencing the content of any specification or procurement
21 standard, rendering of advice, investigation, or auditing or
22 in any other advisory capacity in the procurement of
23 contractual services or commodities as defined in s. 287.012,
24 if the cost of such services or commodities exceeds \$5,000
25 ~~\$1,000~~ in any year.

26 (3) A reporting individual or procurement employee is
27 prohibited from soliciting any gift from a political committee
28 or committee of continuous existence, as defined in s.
29 106.011, or from a lobbyist who lobbies the reporting
30 individual's or procurement employee's agency, or the partner,
31 firm, employer, or principal of such lobbyist, where such gift

1 is for the personal benefit of the reporting individual or
2 procurement employee, another reporting individual or
3 procurement employee, or any member of the immediate family of
4 a reporting individual or procurement employee.

5 (4) A reporting individual or procurement employee or
6 any other person on his or her behalf is prohibited from
7 knowingly accepting, directly or indirectly, a gift from a
8 political committee or committee of continuous existence, as
9 defined in s. 106.011, or from a lobbyist who lobbies the
10 reporting individual's or procurement employee's agency, or
11 directly or indirectly on behalf of the partner, firm,
12 employer, or principal of a lobbyist, if he or she knows or
13 reasonably believes that the gift has a value in excess of
14 \$100; however, such a gift may be accepted by such person on
15 behalf of a governmental entity or a charitable organization.
16 If the gift is accepted on behalf of a governmental entity or
17 charitable organization, the person receiving the gift shall
18 not maintain custody of the gift for any period of time beyond
19 that reasonably necessary to arrange for the transfer of
20 custody and ownership of the gift.

21 (5)(a) A political committee or a committee of
22 continuous existence, as defined in s. 106.011; a lobbyist who
23 lobbies a reporting individual's or procurement employee's
24 agency; the partner, firm, employer, or principal of a
25 lobbyist; or another on behalf of the lobbyist or partner,
26 firm, principal, or employer of the lobbyist is prohibited
27 from giving, either directly or indirectly, a gift that has a
28 value in excess of \$100 to the reporting individual or
29 procurement employee or any other person on his or her behalf;
30 however, such person may give a gift having a value in excess
31 of \$100 to a reporting individual or procurement employee if

1 the gift is intended to be transferred to a governmental
2 entity or a charitable organization.

3 (b) However, a person who is regulated by this
4 subsection, who is not regulated by subsection (6), and who
5 makes, or directs another to make, an individual gift having a
6 value in excess of \$25, but not in excess of \$100, other than
7 a gift which the donor knows will be accepted on behalf of a
8 governmental entity or charitable organization, must file a
9 report on the last day of each calendar quarter, for the
10 previous calendar quarter in which a reportable gift is made.
11 The report shall be filed with the Commission on Ethics
12 ~~Secretary of State~~, except with respect to gifts to reporting
13 individuals of the legislative branch, in which case the
14 report shall be filed with the Division of Legislative
15 Information Services in the Office of Legislative Services.
16 The report must contain a description of each gift, the
17 monetary value thereof, the name and address of the person
18 making such gift, the name and address of the recipient of the
19 gift, and the date such gift is given. In addition, when a
20 gift is made which requires the filing of a report under this
21 subsection, the donor must notify the intended recipient at
22 the time the gift is made that the donor, or another on his or
23 her behalf, will report the gift under this subsection. Under
24 this paragraph, a gift need not be reported by more than one
25 person or entity.

26 (6)(a) Notwithstanding the provisions of subsection
27 (5), an entity of the legislative or judicial branch, a
28 department or commission of the executive branch, a water
29 management district created pursuant to s. 373.069, the
30 Technological Research Development Authority, the Tri-County
31 Commuter Rail Authority, a county, a municipality, an airport

1 authority, or a school board may give, either directly or
2 indirectly, a gift having a value in excess of \$100 to any
3 reporting individual or procurement employee if a public
4 purpose can be shown for the gift; and a direct-support
5 organization specifically authorized by law to support a
6 governmental entity may give such a gift to a reporting
7 individual or procurement employee who is an officer or
8 employee of such governmental entity.

9 (b) Notwithstanding the provisions of subsection (4),
10 a reporting individual or procurement employee may accept a
11 gift having a value in excess of \$100 from an entity of the
12 legislative or judicial branch, a department or commission of
13 the executive branch, a water management district created
14 pursuant to s. 373.069, the Technological Research Development
15 Authority, the Tri-County Commuter Rail Authority, a county, a
16 municipality, an airport authority, or a school board if a
17 public purpose can be shown for the gift; and a reporting
18 individual or procurement employee who is an officer or
19 employee of a governmental entity supported by a
20 direct-support organization specifically authorized by law to
21 support such governmental entity may accept such a gift from
22 such direct-support organization.

23 (c) No later than March 1 of each year, each
24 governmental entity or direct-support organization
25 specifically authorized by law to support a governmental
26 entity which has given a gift to a reporting individual or
27 procurement employee under paragraph (a) shall provide the
28 reporting individual or procurement employee with a statement
29 of each gift having a value in excess of \$100 given to such
30 reporting individual or procurement employee by the
31 governmental entity or direct-support organization during the

1 preceding calendar year. Such report shall contain a
2 description of each gift, the date on which the gift was
3 given, and the value of the total gifts given by the
4 governmental entity or direct-support organization to the
5 reporting individual or procurement employee during the
6 calendar year for which the report is made. A governmental
7 entity may provide a single report to the reporting individual
8 or procurement employee of gifts provided by the governmental
9 entity and any direct-support organization specifically
10 authorized by law to support such governmental entity.

11 (d) No later than July 1 of each year, each reporting
12 individual or procurement employee shall file a statement
13 listing each gift having a value in excess of \$100 received by
14 the reporting individual or procurement employee, either
15 directly or indirectly, from a governmental entity or a
16 direct-support organization specifically authorized by law to
17 support a governmental entity. The statement shall list the
18 name of the person providing the gift, a description of the
19 gift, the date or dates on which the gift was given, and the
20 value of the total gifts given during the calendar year for
21 which the report is made. The reporting individual or
22 procurement employee shall attach to such statement any report
23 received by him or her in accordance with paragraph (c), which
24 report shall become a public record when filed with the
25 statement of the reporting individual or procurement employee.
26 The reporting individual or procurement employee may explain
27 any differences between the report of the reporting individual
28 or procurement employee and the attached reports. The annual
29 report filed by a reporting individual shall be filed with the
30 financial disclosure statement required by either s. 8, Art.
31 II of the State Constitution or s. 112.3145, as applicable to

1 the reporting individual. The annual report filed by a
2 procurement employee shall be filed with the Commission on
3 Ethics Department of State.

4 (7)(a) The value of a gift provided to a reporting
5 individual or procurement employee shall be determined using
6 fair market value ~~actual cost to the donor~~, less taxes and
7 gratuities, except as otherwise provided in this subsection,
8 and, with respect to personal services provided by the donor,
9 the reasonable and customary charge regularly charged for such
10 service in the community in which the service is provided
11 shall be used. If a gift is purchased in an arms-length
12 transaction, the amount paid for the gift shall be the fair
13 market value for such gift. If additional expenses are
14 required as a condition precedent to eligibility of the donor
15 to purchase or provide a gift and such expenses are primarily
16 for the benefit of the donor or are of a charitable nature,
17 such expenses shall not be included in determining the value
18 of the gift.

19 (b) Compensation provided by the donee to the donor,
20 if provided within 90 days after receipt of the gift, shall be
21 deducted from the value of the gift in determining the value
22 of the gift.

23 (c) If the actual gift value attributable to
24 individual participants at an event cannot be determined, the
25 total costs shall be prorated among all invited persons,
26 whether or not they are reporting individuals or procurement
27 employees.

28 (d) Transportation shall be valued on a round-trip
29 basis unless only one-way transportation is provided.
30 Round-trip transportation expenses shall be considered a
31 single gift. Transportation provided in a private conveyance

1 shall be given the same value as transportation provided in a
2 comparable commercial conveyance.

3 (e) Lodging provided on consecutive days shall be
4 considered a single gift. Lodging in a private residence
5 shall be valued at the per diem rate provided in s.
6 112.061(6)(a)1. less the meal allowance rate provided in s.
7 112.061(6)(b).

8 (f) Food and beverages which are not consumed at a
9 single sitting or meal and which are provided on the same
10 calendar day shall be considered a single gift, and the total
11 value of all food and beverages provided on that date shall be
12 considered the value of the gift. Food and beverage consumed
13 at a single sitting or meal shall be considered a single gift
14 and the value of the food and beverage provided at that
15 sitting or meal shall be considered the value of the gift.

16 (g) Membership dues paid to the same organization
17 during any 12-month period shall be considered a single gift.

18 (h) Entrance fees, admission fees, or tickets shall be
19 valued on the face value of the ticket or fee, or on a daily
20 or per event basis, whichever is greater.

21 (i) Except as otherwise specified in this section, a
22 gift shall be valued on a per occurrence basis.

23 (j) The value of a gift provided to several
24 individuals may be attributed on a pro rata basis among all of
25 the individuals. If the gift is food, beverage, entertainment,
26 or similar items, provided at a function for more than 10
27 people, the value of the gift to each individual shall be the
28 total value of the items provided divided by the number of
29 persons invited to the function, unless the items are
30 purchased on a per person basis, in which case the value of
31 the gift to each person is the per person cost.

1 (k) The value of a gift of an admission ticket shall
2 not include that portion of the cost which represents a
3 charitable contribution, if the gift is provided by the
4 charitable organization.

5 (8)(a) Each reporting individual or procurement
6 employee shall file a statement with the Commission on Ethics
7 ~~Secretary of State~~ on the last day of each calendar quarter,
8 for the previous calendar quarter, containing a list of gifts
9 which he or she believes to be in excess of \$100 in value, if
10 any, accepted by him or her, for which compensation was not
11 provided by the donee to the donor within 90 days after
12 receipt of the gift to reduce the value to \$100 or less,
13 except the following:

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

19 (b) The statement shall include:

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

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

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

30
31

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

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

8 (9) In addition to the prohibition of subsection (3),
9 each candidate, as defined in s. 112.312(6), is prohibited
10 from soliciting any gift from a political committee or
11 committee of continuous existence, as defined in s. 106.011,
12 or from a lobbyist who lobbies the agency to which the
13 candidate seeks election, or the partner, firm, employer, or
14 principal of such lobbyist, where such gift is for the
15 personal benefit of the candidate or any member of the
16 immediate family of the candidate.

17 (10) In addition to the other disclosures required by
18 this section, each candidate, as defined in s. 112.312(6), who
19 is not the incumbent of the office sought and who is elected
20 to office shall report all gifts which he or she believes to
21 be in excess of \$100 in value and which were received between
22 the date the candidate qualifies for election and the date the
23 candidate takes office, except for gifts from relatives, in
24 the manner described in subsection (8).

25 (11)(9) A person, other than a lobbyist regulated
26 under s. 11.045, who violates the provisions of subsection (5)
27 commits a noncriminal infraction, punishable by a fine of not
28 more than \$5,000 and by a prohibition on lobbying, or
29 employing a lobbyist to lobby, before the agency of the
30 reporting individual or procurement employee to which the gift
31 was given in violation of subsection (5), for a period of not

1 more than 24 months. The state attorney, or an agency, if
2 otherwise authorized, may initiate an action to impose or
3 recover a fine authorized under this section or to impose or
4 enforce a limitation on lobbying provided in this section.

5 (12)~~(10)~~ A member of the Legislature may request an
6 advisory opinion from the general counsel of the house of
7 which he or she is a member as to the application of this
8 section to a specific situation. The general counsel shall
9 issue the opinion within 10 days after receiving the request.
10 The member of the Legislature may reasonably rely on such
11 opinion.

12 Section 10. Paragraph (e) of subsection (1) and
13 subsection (6) of section 112.3149, Florida Statutes, are
14 amended to read:

15 112.3149 Solicitation and disclosure of honoraria.--

16 (1) As used in this section:

17 (e) "Procurement employee" means any employee of an
18 officer, department, board, commission, or council of the
19 executive branch or judicial branch of state government who
20 participates through decision, approval, disapproval,
21 recommendation, preparation of any part of a purchase request,
22 influencing the content of any specification or procurement
23 standard, rendering of advice, investigation, or auditing or
24 in any other advisory capacity in the procurement of
25 contractual services or commodities as defined in s. 287.012,
26 if the cost of such services or commodities exceeds \$5,000
27 ~~\$1,000~~ in any year.

28 (6) A reporting individual or procurement employee who
29 receives payment or provision of expenses related to any
30 honorarium event from a person who is prohibited by subsection
31 (4) from paying an honorarium to a reporting individual or

1 procurement employee shall publicly disclose on an annual
2 statement the name, address, and affiliation of the person
3 paying or providing the expenses; the amount of the honorarium
4 expenses; the date of the honorarium event; a description of
5 the expenses paid or provided on each day of the honorarium
6 event; and the total value of the expenses provided to the
7 reporting individual or procurement employee in connection
8 with the honorarium event. The annual statement of honorarium
9 expenses shall be filed by July 1 of each year for such
10 expenses received during the previous calendar year. The
11 reporting individual or procurement employee shall attach to
12 the annual statement a copy of each statement received by him
13 or her in accordance with subsection (5) regarding honorarium
14 expenses paid or provided during the calendar year for which
15 the annual statement is filed. Such attached statement shall
16 become a public record upon the filing of the annual report.
17 The annual statement of a reporting individual shall be filed
18 with the financial disclosure statement required by either s.
19 8, Art. II of the State Constitution or s. 112.3145, as
20 applicable to the reporting individual. The annual statement
21 of a procurement employee shall be filed with the Commission
22 on Ethics ~~Department of State~~.

23 Section 11. Section 112.3151, Florida Statutes, is
24 repealed.

25 Section 12. Subsections (1), (2), (6), (7), and (8) of
26 section 112.317, Florida Statutes, are amended to read:

27 112.317 Penalties.--

28 (1) Violation of any provision of this part,
29 including, but not limited to, any failure to file any
30 disclosures required by this part or violation of any standard
31 of conduct imposed by this part, or violation of any provision

1 of s. 8, Art. II of the State Constitution, in addition to any
2 criminal penalty or other civil penalty involved, shall,
3 pursuant to applicable constitutional and statutory
4 procedures, constitute grounds for, and may be punished by,
5 one or more of the following:

- 6 (a) In the case of a public officer:
- 7 1. Impeachment.
 - 8 2. Removal from office.
 - 9 3. Suspension from office.
 - 10 4. Public censure and reprimand.
 - 11 5. Forfeiture of no more than one-third salary per
12 month for no more than 12 months.
 - 13 6. A civil penalty not to exceed \$10,000.
 - 14 7. Restitution of any pecuniary benefits received
15 because of the violation committed. The commission may
16 recommend that the restitution penalty be paid to the agency
17 of which the public officer was a member or to the General
18 Revenue Fund of the state.

19 (b) In the case of an employee or a person designated
20 as a public officer by this part who otherwise would be deemed
21 to be an employee:

- 22 1. Dismissal from employment.
- 23 2. Suspension from employment for not more than 90
24 days without pay.
- 25 3. Demotion.
- 26 4. Reduction in salary level.
- 27 5. Forfeiture of no more than one-third salary per
28 month for no more than 12 months.
- 29 6. A civil penalty not to exceed \$10,000.
- 30 7. Restitution of any pecuniary benefits received
31 because of the violation committed. The commission may

1 recommend that the restitution penalty be paid to the agency
2 by which such employee was employed or by which such officer
3 was deemed to be an employee or to the General Revenue Fund of
4 the state.

5 8. Public censure and reprimand.

6 (c) In the case of a candidate who violates the
7 provisions of this part or s. 8(a) and (h), Art. II of the
8 State Constitution:

- 9 1. Disqualification from being on the ballot.
10 2. Public censure.
11 3. Reprimand.
12 4. A civil penalty not to exceed \$10,000.

13 (d) In the case of a former public officer or employee
14 who has violated a provision applicable to former officers or
15 employees or whose violation occurred prior to such officer's
16 or employee's leaving public office or employment:

- 17 1. Public censure and reprimand.
18 2. A civil penalty not to exceed \$10,000.
19 3. Restitution of any pecuniary benefits received
20 because of the violation committed. The commission may
21 recommend that the restitution penalty be paid to the agency
22 of such public officer or employee or the General Revenue Fund
23 of the state.

24 (2) In any case in which the commission finds a
25 violation of this part or of s. 8, Art. II of the State
26 Constitution and the proper disciplinary official or body
27 under s. 112.324 imposes ~~recommends~~ a civil penalty or
28 restitution penalty, the Attorney General shall bring a civil
29 action to recover such penalty. No defense may be raised in
30 the civil action to enforce the civil penalty or order of
31 restitution that could have been raised by judicial review of

1 the administrative findings and recommendations of the
2 commission by certiorari to the district court of appeal. The
3 Attorney General shall be entitled to collect any costs,
4 attorney's fees, expert witness fees, or other costs of
5 collection incurred in bringing such actions.

6 ~~(6) Any person who willfully discloses, or permits to~~
7 ~~be disclosed, his or her intention to file a complaint, the~~
8 ~~existence or contents of a complaint which has been filed with~~
9 ~~the commission, or any document, action, or proceeding in~~
10 ~~connection with a confidential preliminary investigation of~~
11 ~~the commission, before such complaint, document, action, or~~
12 ~~proceeding becomes a public record as provided herein commits~~
13 ~~a misdemeanor of the first degree, punishable as provided in~~
14 ~~s. 775.082 or s. 775.083.~~

15 (6)(7) In any case in which the commission finds
16 probable cause to believe that a complainant has committed
17 perjury in regard to any document filed with, or any testimony
18 given before, the commission, it shall refer such evidence to
19 the appropriate law enforcement agency for prosecution and
20 taxation of costs.

21 (7)(8) In any case in which the commission determines
22 that a person has filed a complaint against a public officer
23 or employee with a malicious intent to injure the reputation
24 of such officer or employee by filing the complaint with
25 knowledge that the complaint contains one or more false
26 allegations or with reckless disregard for whether the
27 complaint contains false allegations of fact material to a
28 violation of this part, the complainant shall be liable for
29 costs plus reasonable attorney's fees incurred in the defense
30 of the person complained against, including the costs and
31 reasonable attorney's fees incurred in proving entitlement to

1 and the amount of costs and fees. If the complainant fails to
2 pay such costs and fees voluntarily within 30 days following
3 such finding by the commission, the commission shall forward
4 such information to the Department of Legal Affairs, which
5 shall bring a civil action in a court of competent
6 jurisdiction to recover the amount of such costs and fees
7 awarded by the commission.

8 Section 13. Section 112.3215, Florida Statutes, is
9 amended to read:

10 112.3215 Lobbyists before the Executive Branch or the
11 Constitution Revision Commission; registration and reporting;
12 investigation by commission.--

13 (1) For the purposes of this section:

14 (a) "Agency" means the Governor, Governor and Cabinet,
15 or any department, division, bureau, board, commission, or
16 authority of the executive branch. In addition, "agency"
17 shall mean the Constitution Revision Commission as provided by
18 s. 2, Art. XI of the State Constitution.

19 (b) "Expenditure" means a payment, distribution, loan,
20 advance, reimbursement, deposit, or anything of value made by
21 a lobbyist or principal for the purpose of lobbying.

22 (c) "Fund" means the Executive Branch Lobby
23 Registration Trust Fund.

24 (d) "Lobbies" means seeking, on behalf of another
25 person, to influence an agency with respect to a decision of
26 the agency in the area of policy or procurement or an attempt
27 to obtain the goodwill of an agency official or employee.

28 "Lobbies" also means influencing or attempting to influence,
29 on behalf of another, the Constitution Revision Commission's
30 action or nonaction through oral or written communication or
31

1 an attempt to obtain the goodwill of a member or employee of
2 the Constitution Revision Commission.

3 (e) "Lobbyist" means a person who is employed and
4 receives payment, or who contracts for economic consideration,
5 for the purpose of lobbying, or a person who is principally
6 employed for governmental affairs by another person or
7 governmental entity to lobby on behalf of that other person or
8 governmental entity. "Lobbyist" does not include a person who
9 is:

10 1. An attorney, or any person, who represents a client
11 in a judicial proceeding or in a formal administrative
12 proceeding conducted pursuant to chapter 120 or any other
13 formal hearing before an agency, board, commission, or
14 authority of this state.

15 2. An employee of an agency or of a legislative or
16 judicial branch entity acting in the normal course of his or
17 her duties.

18 3. A confidential informant who is providing, or
19 wishes to provide, confidential information to be used for law
20 enforcement purposes.

21 4. A person who lobbies to procure a contract pursuant
22 to chapter 287 which contract is less than the threshold for
23 CATEGORY ONE as provided in s. 287.017(1)(a).

24 (f) "Principal" means the person, firm, corporation,
25 or other entity which has employed or retained a lobbyist.

26 (2) The Executive Branch Lobby Registration Trust Fund
27 is hereby created within the commission to be used for the
28 purpose of funding any office established to administer the
29 registration of lobbyists lobbying an agency, including the
30 payment of salaries and other expenses. The trust fund is not
31 subject to the service charge to General Revenue provisions of

1 chapter 215. All annual registration fees collected pursuant
2 to this section shall be deposited into such fund.

3 (3) A person may not lobby an agency until such person
4 has registered as a lobbyist with the commission. Such
5 registration shall be due upon initially being retained to
6 lobby and is renewable on a calendar year basis thereafter.
7 Upon registration the person shall provide a statement signed
8 by the principal or principal's representative that the
9 registrant is authorized to represent the principal. The
10 registration shall require the lobbyist to disclose, under
11 oath, the following information:

12 (a) Name and business address;

13 (b) The name and business address of each principal
14 represented;

15 (c) His or her area of interest;

16 (d) The agencies before which he or she will appear;
17 and

18 (e) The existence of any direct or indirect business
19 association, partnership, or financial relationship with any
20 employee of an agency with which he or she lobbies, or intends
21 to lobby, as disclosed in the registration.

22 (4) The annual lobbyist registration fee shall be set
23 by the commission by rule, not to exceed \$40 for each
24 principal represented.

25 (5)(a) A registered lobbyist must also submit to the
26 commission, biannually ~~quarterly~~, a signed expenditure report
27 summarizing all lobbying expenditures by the lobbyist and the
28 principal for each 6-month period during any portion of which
29 the lobbyist is registered. All expenditures made by the
30 lobbyist and the principal for the purpose of lobbying must be
31 reported. Reporting of expenditures shall be on an accrual

1 basis. The report of such expenditures must identify whether
2 the expenditure was made directly by the lobbyist, directly by
3 the principal, initiated or expended by the lobbyist and paid
4 for by the principal, or initiated or expended by the
5 principal and paid for by the lobbyist. The principal is
6 responsible for the accuracy of the expenditures reported as
7 lobbying expenditures made by the principal. The lobbyist is
8 responsible for the accuracy of the expenditures reported as
9 lobbying expenditures made by the lobbyist. Expenditures made
10 must be reported by the category of the expenditure,
11 including, but not limited to, the categories of food and
12 beverages, entertainment, research, communication, media
13 advertising, publications, travel, and lodging. Lobby
14 expenditures do not include a lobbyist's or principal's
15 salary, office expenses, and personal expenses for lodging,
16 meals, and travel.

17 (b) A principal who is represented by two or more
18 lobbyists shall designate one lobbyist whose expenditure
19 report shall include all lobbying expenditures made directly
20 by the principal and those expenditures of the designated
21 lobbyist on behalf of that principal as required by paragraph
22 (a). All other lobbyists registered to represent that
23 principal shall file a report pursuant to paragraph (a). The
24 report of lobbying expenditures by the principal shall be made
25 pursuant to the requirements of paragraph (a). The principal
26 is responsible for the accuracy of figures reported by the
27 designated lobbyist as lobbying expenditures made directly by
28 the principal. The designated lobbyist is responsible for the
29 accuracy of the figures reported as lobbying expenditures made
30 by that lobbyist.

31

1 (c) For each reporting period the commission shall
2 aggregate the expenditures of all lobbyists for a principal
3 represented by more than one lobbyist. Further, the commission
4 shall aggregate figures that provide a cumulative total of
5 expenditures reported as spent by and on behalf of each
6 principal for the calendar year.

7 (d) The reporting statements shall be filed no later
8 than 45 days after the end of each reporting period and shall
9 include the expenditures for the period from January 1 through
10 ~~March 31, April 1 through June 30, and July 1 through~~
11 ~~September 30, and October 1 through~~ December 31, respectively.

12 (e) Reports shall be filed not later than 5 p.m. of
13 the report due date. However, any report that is postmarked
14 by the United States Postal Service no later than midnight of
15 the due date shall be deemed to have been filed in a timely
16 manner, and a certificate of mailing obtained from and dated
17 by the United States Postal Service at the time of the
18 mailing, or a receipt from an established courier company
19 which bears a date on or before the due date, shall be proof
20 of mailing in a timely manner.

21 (f) The commission shall provide by rule a procedure
22 by which a lobbyist who fails to timely file a report shall be
23 notified and assessed fines. The rule shall provide for the
24 following:

25 1. Upon determining that the report is late, the
26 person designated to review the timeliness of reports shall
27 immediately notify the lobbyist as to the failure to timely
28 file the report and that a fine is being assessed for each
29 late day. The fine shall be ~~\$25~~\$50 per day per report for
30 each late day, up to a maximum of \$1,500 per late report.

31

- 1 2. Upon receipt of the report, the person designated
2 to review the timeliness of reports shall determine the amount
3 of the fine due based upon the earliest of the following:
- 4 a. When a report is actually received by the lobbyist
5 registration and reporting office.
- 6 b. When the report is postmarked.
- 7 c. When the certificate of mailing is dated.
- 8 d. When the receipt from an established courier
9 company is dated.
- 10 3. Such fine shall be paid within 30 ~~20~~ days after
11 ~~receipt of~~ the notice of payment due is transmitted by the
12 lobbyist registration and reporting office, unless appeal is
13 made to the commission. The moneys shall be deposited into
14 the Executive Branch Lobby Registration Trust Fund.
- 15 4. A fine shall not be assessed against a lobbyist the
16 first time any reports for which the lobbyist is responsible
17 are not timely filed. However, to receive the one-time fine
18 waiver, all reports for which the lobbyist is responsible must
19 be filed within 30 ~~20~~ days after ~~the receipt of~~ notice that
20 any reports have not been timely filed is transmitted by the
21 lobbyist registration and reporting office. A fine shall be
22 assessed for any subsequent late-filed reports.
- 23 5. Any lobbyist may appeal or dispute a fine, based
24 upon unusual circumstances surrounding the failure to file on
25 the designated due date, and may request and shall be entitled
26 to a hearing before the commission, which shall have the
27 authority to waive the fine in whole or in part for good cause
28 shown. Any such request shall be made within 30 ~~20~~ days after
29 ~~receipt of~~ the notice of payment due is transmitted by the
30 lobbyist registration and reporting office. In such case, the
31 lobbyist shall, within the 30-day ~~20-day~~ period, notify the

1 person designated to review the timeliness of reports in
2 writing of his or her intention to bring the matter before the
3 commission.

4 6. The person designated to review the timeliness of
5 reports shall notify the commission of the failure of a
6 lobbyist to file a report after notice or of the failure of a
7 lobbyist to pay the fine imposed.

8 7. Notwithstanding any provision of chapter 120, any
9 fine imposed under this subsection that is not waived by final
10 order of the commission and that remains unpaid more than 60
11 days after the notice of payment due or more than 60 days
12 after the commission renders a final order on the lobbyist's
13 appeal shall be submitted to the Department of Banking and
14 Finance as a claim, debt, or other obligation owed to the
15 state, and the department shall assign the collection of such
16 fine to a collection agent as provided in s. 17.20.

17 (g) The commission shall adopt a rule which allows
18 reporting statements to be filed by electronic means, when
19 feasible.

20 (h) Each lobbyist and each principal shall preserve
21 for a period of 4 years all accounts, bills, receipts,
22 computer records, books, papers, and other documents and
23 records necessary to substantiate lobbying expenditures. Any
24 documents and records retained pursuant to this section may be
25 inspected under reasonable circumstances by any authorized
26 representative of the commission. The right of inspection may
27 be enforced by appropriate writ issued by any court of
28 competent jurisdiction.

29 (6) A lobbyist shall promptly send a written statement
30 to the commission canceling the registration for a principal
31 upon termination of the lobbyist's representation of that

1 principal. Notwithstanding this requirement, the commission
2 may remove the name of a lobbyist from the list of registered
3 lobbyists if the principal notifies the office that a person
4 is no longer authorized to represent that principal. Each
5 lobbyist is responsible for filing an expenditure report for
6 each period during any portion of which he or she was
7 registered, and each principal is responsible for seeing that
8 an expenditure report is filed for each period during any
9 portion of which the principal was represented by a registered
10 lobbyist.

11 (7) The commission shall investigate every sworn
12 complaint that is filed with it alleging that a person covered
13 by this section has failed to register, has failed to submit
14 an expenditure report, or has knowingly submitted false
15 information in any report or registration required in this
16 section. All proceedings, the complaint, and other records
17 relating to the investigation are confidential and exempt from
18 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
19 State Constitution, and any meetings held pursuant to an
20 investigation are exempt from the provisions of s. 286.011(1)
21 and s. 24(b), Art. I of the State Constitution either until
22 the alleged violator requests in writing that such
23 investigation and associated records and meetings be made
24 public or until the commission determines, based on the
25 investigation, whether probable cause exists to believe that a
26 violation has occurred.

27 (8) If the commission finds no probable cause to
28 believe that a violation of this section occurred, it shall
29 dismiss the complaint, whereupon the complaint, together with
30 a written statement of the findings of the investigation and a
31 summary of the facts, shall become a matter of public record,

1 and the commission shall send a copy of the complaint,
2 findings, and summary to the complainant and the alleged
3 violator. If the commission finds probable cause to believe
4 that a violation occurred, it shall report the results of its
5 investigation to the Governor and Cabinet and send a copy of
6 the report to the alleged violator by certified mail. Such
7 notification and all documents made or received in the
8 disposition of the complaint shall then become public records.
9 Upon request submitted to the Governor and Cabinet in writing,
10 any person whom the commission finds probable cause to believe
11 has violated any provision of this section shall be entitled
12 to a public hearing. Such person shall be deemed to have
13 waived the right to a public hearing if the request is not
14 received within 14 days following the mailing of the probable
15 cause notification. However, the Governor and Cabinet may on
16 its own motion require a public hearing and may conduct such
17 further investigation as it deems necessary.

18 (9) If the Governor and Cabinet finds that a violation
19 occurred, it may reprimand the violator, censure the violator,
20 or prohibit the violator from lobbying all agencies for a
21 period not to exceed 2 years.

22 (10) Any person, when in doubt about the applicability
23 and interpretation of this section to himself or herself in a
24 particular context, may submit in writing the facts of the
25 situation to the commission with a request for an advisory
26 opinion to establish the standard of duty. An advisory
27 opinion shall be rendered by the commission and, until amended
28 or revoked, shall be binding on the conduct of the person who
29 sought the opinion, unless material facts were omitted or
30 misstated in the request.

31

1 (11) Agencies shall be diligent to ascertain whether
2 persons required to register pursuant to this section have
3 complied. An agency may not knowingly permit a person who is
4 not registered pursuant to this section to lobby the agency.

5 (12) Upon discovery of violations of this section an
6 agency or any person may file a sworn complaint with the
7 commission.

8 (13) The commission shall adopt rules to administer
9 this section, which shall prescribe forms for registration and
10 expenditure reports, procedures for registration, and
11 procedures that will prevent disclosure of information that is
12 confidential as provided in this section.

13 Section 14. Subsections (9) and (10) of section
14 112.322, Florida Statutes, are amended to read:

15 112.322 Duties and powers of commission.--

16 ~~(9) The Commission on Ethics shall report to the~~
17 ~~Special District Information Program of the Department of~~
18 ~~Community Affairs, by November 1 each year, the names of~~
19 ~~special district local officers certified as delinquent in~~
20 ~~filing financial disclosure.~~

21 (9)~~(10)~~ The commission is authorized to make such
22 rules not inconsistent with law as are necessary to carry out
23 the duties and authority conferred upon the commission by s.
24 8, Art. II of the State Constitution or by this part. Such
25 rules shall be limited to:

26 (a) Rules providing for the practices and procedures
27 of the commission.

28 (b) Rules interpreting the disclosures and
29 prohibitions established by s. 8, Art. II of the State
30 Constitution and by this part.

31

1 (c) Such other rules as are specifically authorized by
2 this part.

3 Section 15. Subsections (1), (2), and (3) of section
4 112.324, Florida Statutes, are amended to read:

5 112.324 Procedures on complaints of violations.--

6 (1) Upon a written complaint executed on a form
7 prescribed by the commission and signed under oath or
8 affirmation by any person, or upon receipt of reliable and
9 publicly disseminated information which at least seven of the
10 members of the commission deem sufficient to indicate a breach
11 of the public trust, the commission shall investigate any
12 alleged violation of this part or any other alleged breach of
13 the public trust within the jurisdiction of the commission as
14 provided in s. 8(f), Art. II of the State Constitution in
15 accordance with procedures set forth herein. Within 5 days
16 after receipt of a complaint by the commission or after
17 determination by the commission that information received is
18 deemed sufficient, a copy shall be transmitted to the alleged
19 violator. All proceedings, the complaint, and other records
20 relating to the preliminary investigation as provided herein,
21 or as provided by a Commission on Ethics and Public Trust
22 established by any county defined in s. 125.011(1), shall be
23 confidential and exempt from the provisions of s. 119.07(1),
24 and s. 24(a), Art. I of the State Constitution, either until
25 the alleged violator requests in writing that such
26 investigation and records be made public records or the
27 preliminary investigation is completed, notwithstanding any
28 provision of chapter 120 or s. 286.011 and s. 24(b), Art. I of
29 the State Constitution. In no event shall a complaint under
30 this part against a candidate in any general, special, or
31 primary election be filed or any intention of filing such a

1 complaint be disclosed on the day of any such election or
2 within the 5 days immediately preceding the date of the
3 election. The confidentiality provisions of this subsection
4 are ~~is~~ repealed October 2, 2002, and must be reviewed by the
5 Legislature before that date in accordance with s. 119.15, the
6 Open Government Sunset Review Act of 1995.

7 (2) A preliminary investigation shall be undertaken by
8 the commission of each legally sufficient complaint over which
9 the commission has jurisdiction to determine whether there is
10 probable cause to believe that a violation has occurred. If,
11 upon completion of the preliminary investigation, the
12 commission finds no probable cause to believe that this part
13 has been violated or that any other breach of the public trust
14 has been committed, the commission shall dismiss the complaint
15 or proceeding with the issuance of a public report to the
16 complainant and the alleged violator, stating with
17 particularity its reasons for dismissal ~~of the complaint~~. At
18 that time, the complaint, the proceeding, and all materials
19 relating to the complaint and proceeding shall become a matter
20 of public record. If the commission finds from the preliminary
21 investigation probable cause to believe that this part has
22 been violated or that any other breach of the public trust has
23 been committed, it shall so notify the complainant and the
24 alleged violator in writing. Such notification and all
25 documents made or received in the disposition of the complaint
26 or proceeding shall then become public records. Upon request
27 submitted to the commission in writing, any person who the
28 commission finds probable cause to believe has violated any
29 provision of this part or has committed any other breach of
30 the public trust shall be entitled to a public hearing. Such
31 person shall be deemed to have waived the right to a public

1 hearing if the request is not received within 14 days
2 following the mailing of the probable cause notification
3 required by this subsection. However, the commission may on
4 its own motion, require a public hearing, may conduct such
5 further investigation as it deems necessary, and may enter
6 into such stipulations and settlements as it finds to be just
7 and in the best interest of the State. The commission is
8 without jurisdiction to, and no respondent may voluntarily or
9 involuntarily, enter into a stipulation or settlement which
10 imposes any penalty, including, but not limited to, a sanction
11 or admonition or any other penalty contained in s. 112.317.
12 Penalties shall be imposed only by the appropriate
13 disciplinary authority as designated in this section.

14 (3) If, in cases pertaining to current members of the
15 Legislature, upon completion of a full and final investigation
16 by the commission, the commission finds that there has been a
17 violation of this part or of any provision of s. 8, Art. II of
18 the State Constitution, irrespective of whether the violative
19 act or omission occurred before or during the current member's
20 term of office,the commission shall forward a copy of the
21 complaint and its findings by certified mail to the President
22 of the Senate or the Speaker of the House of Representatives,
23 whichever is applicable, who shall refer the complaint to the
24 appropriate committee for investigation and action which shall
25 be governed by the rules of its respective house. It shall be
26 the duty of the committee to report its final action upon the
27 complaint to the commission within 90 days of the date of
28 transmittal to the respective house. Upon request of the
29 committee, the commission shall submit a recommendation as to
30 what penalty, if any, should be imposed. In the case of a
31 member of the Legislature, the house in which the member

1 serves shall have the power to invoke the penalty provisions
2 of this part.

3 Section 16. Subsection (6) of section 213.053, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 213.053 Confidentiality and information sharing.--

6 (6) Any information received by the Department of
7 Revenue in connection with the administration of taxes,
8 including, but not limited to, information contained in
9 returns, reports, accounts, or declarations filed by persons
10 subject to tax, shall be made available by the department to
11 the Auditor General or his or her authorized agent, the
12 Comptroller or his or her authorized agent, the Insurance
13 Commissioner or his or her authorized agent, the Treasurer or
14 his or her authorized agent, the Commission on Ethics or its
15 authorized agent, or a property appraiser or tax collector or
16 their authorized agents pursuant to s. 195.084(1), in the
17 performance of their official duties, or to designated
18 employees of the Department of Education solely for
19 determination of each school district's price level index
20 pursuant to s. 236.081(2); however, no information shall be
21 disclosed to the Auditor General or his or her authorized
22 agent, the Comptroller or his or her authorized agent, the
23 Insurance Commissioner or his or her authorized agent, the
24 Treasurer or his or her authorized agent, the Commission on
25 Ethics or its authorized agent, or to a property appraiser or
26 tax collector or their authorized agents, or to designated
27 employees of the Department of Education if such disclosure is
28 prohibited by federal law. The Auditor General or his or her
29 authorized agent, the Comptroller or his or her authorized
30 agent, the Treasurer or his or her authorized agent, the
31 Commission on Ethics or its authorized agent, and the property

1 appraiser or tax collector and their authorized agents, or
2 designated employees of the Department of Education shall be
3 subject to the same requirements of confidentiality and the
4 same penalties for violation of the requirements as the
5 department. For the purpose of this subsection, "designated
6 employees of the Department of Education" means only those
7 employees directly responsible for calculation of price level
8 indices pursuant to s. 236.081(2). It does not include the
9 supervisors of such employees or any other employees or
10 elected officials within the Department of Education.

11 Section 17. Section 112.3232, Florida Statutes, is
12 created to read:

13 112.3232 Compelled testimony.--If any person called to
14 testify in a commission proceeding shall refuse to testify
15 because of a claim of possible self-incrimination, the
16 commission, after consultation with the appropriate state
17 attorney, may apply to the chief judge of the appropriate
18 judicial circuit for a judicial grant of immunity ordering the
19 testimony of such person notwithstanding his or her objection,
20 but in such case no testimony or other information compelled
21 under the order, or any information directly or indirectly
22 derived from such testimony or other information, may be used
23 against the witness in any criminal prosecution or commission
24 proceeding.

25 Section 18. Present subsections (7) and (8) of section
26 112.3185, Florida Statutes, are renumbered as subsections (8)
27 and (9), respectively, and a new subsection (7) is added to
28 that section to read:

29 112.3185 Additional standards for state agency
30 employees ~~Contractual services~~.--

31

1 (7) No agency employee shall, after retirement or
2 termination, represent another person or entity, except the
3 state, in any matter in which the employee participated
4 personally and substantially in his or her official capacity
5 through decision, approval, disapproval, recommendation,
6 rendering of advice, investigation, or otherwise while an
7 employee.

8 ~~(8)(7)~~ A violation of any provision of this section is
9 punishable in accordance with s. 112.317.

10 ~~(9)(8)~~ This section is not applicable to any employee
11 of the Public Service Commission who was so employed on or
12 before December 31, 1994.

13 Section 19. Section 286.012, Florida Statutes, is
14 amended to read:

15 286.012 Voting requirement at meetings of governmental
16 bodies.--No member of any state, county, or municipal
17 governmental board, commission, or agency who is present at
18 any meeting of any such body at which an official decision,
19 ruling, or other official act is to be taken or adopted may
20 abstain from voting in regard to any such decision, ruling, or
21 act; and a vote shall be recorded or counted for each such
22 member present, except when, with respect to any such member,
23 there is, or appears to be, a possible conflict of interest
24 under the provisions of part III of chapter 112 s. 112.311, s.
25 112.313, or s. 112.3143. If the member abstains from voting
26 on such a ground in such cases, said member shall comply with
27 the disclosure requirements of s. 112.3143. This section shall
28 not be construed as requiring a member to vote when the member
29 is disqualified from participation under s. 120.665 or any
30 similar requirement of law.

1 Section 20. Subsection (6) of section 440.442, Florida
2 Statutes, is amended to read:

3 440.442 Code of Judicial Conduct.--The Chief Judge,
4 and judges of compensation claims shall observe and abide by
5 the Code of Judicial Conduct as provided in this section. Any
6 material violation of a provision of the Code of Judicial
7 Conduct shall constitute either malfeasance or misfeasance in
8 office and shall be grounds for suspension and removal of such
9 Chief Judge, or judge of compensation claims by the Governor.

10 (6) FISCAL MATTERS OF JUDGES.--Fiscal matters of a
11 judge should be conducted in a manner that will not give the
12 appearance of influence or impropriety. A judge should
13 regularly file public reports as required by s. 8, Art. II of
14 the State Constitution, and should publicly report gifts.

15 (a) Compensation for quasi-judicial and extrajudicial
16 services and reimbursement of expenses.--A judge may receive
17 compensation and reimbursement of expenses for the
18 quasi-judicial and extrajudicial activities permitted by this
19 section, if the source of such payments does not give the
20 appearance of influencing the judge in his or her judicial
21 duties or otherwise give the impression of impropriety subject
22 to the following restrictions:

23 1. Compensation: Compensation should not exceed a
24 reasonable amount nor should it exceed what a person who is
25 not a judge would receive for the same activity.

26 2. Expense reimbursement: Expense reimbursement
27 should be limited to the actual cost of travel, food, and
28 lodging reasonably incurred by the judge and, where
29 appropriate to the occasion, to his or her spouse. Any payment
30 in excess of such an amount is compensation.

31 (b) Public financial reporting.--

1 1. Income and assets: A judge shall file such public
2 reports as may be required by law for all public officials to
3 comply fully with the provisions of s. 8, Art. II of the State
4 Constitution. The form for public financial disclosure shall
5 be that recommended or adopted by the Florida Commission on
6 Ethics for use by all public officials. The form shall be
7 filed in the office of the Commission on Ethics ~~Secretary of~~
8 ~~State~~ on the date prescribed by law.

9 2. Gifts: A judge shall file a public report of all
10 gifts which are required to be disclosed under Canon 5D(5)(h)
11 ~~s. 112 [Canon 5C(4)(c)]~~ of the Code of Judicial Conduct. The
12 report of gifts received in the preceding calendar year shall
13 be filed in the office of the Commission on Ethics ~~Secretary~~
14 ~~of State~~ on or before July 1 of each year.

15 Section 21. Section 914.21, Florida Statutes, is
16 amended to read:

17 914.21 Definitions.--As used in ss. 914.22-914.24, the
18 term:

19 (1) "Bodily injury" means:

20 (a) A cut, abrasion, bruise, burn, or disfigurement;

21 (b) Physical pain;

22 (c) Illness;

23 (d) Impairment of the function of a bodily member,
24 organ, or mental faculty; or

25 (e) Any other injury to the body, no matter how
26 temporary.

27 (2) "Misleading conduct" means:

28 (a) Knowingly making a false statement;

29 (b) Intentionally omitting information from a
30 statement and thereby causing a portion of such statement to
31

1 be misleading, or intentionally concealing a material fact and
2 thereby creating a false impression by such statement;

3 (c) With intent to mislead, knowingly submitting or
4 inviting reliance on a writing or recording that is false,
5 forged, altered, or otherwise lacking in authenticity;

6 (d) With intent to mislead, knowingly submitting or
7 inviting reliance on a sample, specimen, map, photograph,
8 boundary mark, or other object that is misleading in a
9 material respect; or

10 (e) Knowingly using a trick, scheme, or device with
11 intent to mislead.

12 (3) "Official investigation" means any investigation
13 instituted by a law enforcement agency or prosecuting officer
14 of the state or a political subdivision of the state, or any
15 investigation conducted by the Florida Commission on Ethics.

16 (4) "Official proceeding" means:

17 (a) A proceeding before a judge or court or a grand
18 jury;

19 (b) A proceeding before the Legislature; or

20 (c) A proceeding before a federal agency which is
21 authorized by law.

22 (d) A proceeding before the Florida Commission on
23 Ethics.

24 (5) "Physical force" means physical action against
25 another and includes confinement.

26 Section 22. Sections 839.08, 839.09, 839.091, and
27 839.10, Florida Statutes, are repealed.

28 Section 23. The sum of \$193,950 is appropriated from
29 the General Revenue Fund to the Commission on Ethics to
30 administer the responsibilities imposed by the act.

31

1 Section 24. This act shall take effect January 1,
2 2000.
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HOUSE SUMMARY

Revises provisions relating to ethics to:

1. Transfer jurisdiction over complaints alleging a violation of the prohibition on postemployment lobbying by certain legislative employees to the Legislature.

2. Prohibit certain legislative employees from lobbying the Legislature for compensation for a period of 2 years following legislative employment.

3. Revise the reporting requirements for full and public disclosure of financial interests; transfer filing administration from the Secretary of State to the Commission on Ethics; modify the filing location for officers from the Secretary of State to the commission; establish an automatic fine system for delinquent filers and nonfilers; require former officers and employees to file a final disclosure of financial interests no later than 60 days following departure; and require the commission to adopt rules and forms relating to filing amended full and public disclosure of financial interests.

4. Revise the reporting requirements for limited statutory disclosure of financial interests; transfer filing administration from the Secretary of State to the Commission on Ethics; modify the filing location for state officers and specified state employees from the Secretary of State to the commission; modify certification requirements of supervisors of elections with regard to delinquent filers and nonfilers; establish an automatic fine system for delinquent filers and nonfilers; require former officers and employees to file a final statement of financial interests within 60 days after leaving office or employment; modify reporting dates for filing quarterly reports of the names of clients represented before certain agencies for a fee; and require the commission to adopt rules and forms relating to amended financial disclosure filings.

5. Direct the commission to prescribe forms for financial disclosure statements.

6. Establish a reimbursement deadline with regard to the valuation of gifts received by reporting individuals; clarify that the gifts law applies to candidates; extend the gifts law to include nonincumbents elected to office for the period immediately following election but before officially taking office; transfer the filing administration for gift disclosure from the Secretary of State to the commission; change standards for determining the value of gifts; and authorize the Technological Research and Development Authority to provide certain gifts for a public purpose.

7. Transfer filing administration for honoraria disclosure from the Department of State to the commission.

8. Clarify that the proper sanction authority in the case of a current state legislator who commits an act in violation of the ethics code prior to joining the Legislature is vested in the house in which the legislator serves; and authorize the commission to

54-350-99

- 1 investigate alleged ethics violations on its own
- 2 authority under certain circumstances.
- 3 9. Extend the witness-tampering laws to include
- 4 Commission on Ethics investigations and proceedings.
- 5 10. Repeal provisions which authorize the
- 6 Commission on Ethics to grant extensions of time for
- 7 filing financial disclosure statements.
- 8 11. Authorize the Commission on Ethics to recommend
- 9 how restitution may be paid; entitle the Attorney General
- 10 to reimbursement of fees and costs associated with
- 11 collecting civil and restitution penalties imposed for
- 12 ethics violations; and remove a criminal penalty related
- 13 to the disclosure of confidential information brought
- 14 before the commission.
- 15 12. Modify reporting period and dates for filing
- 16 executive branch lobbying reports.
- 17 13. Authorize the Commission on Ethics to access
- 18 Department of Revenue information received in connection
- 19 with the administration of taxes.
- 20 14. Transfer the filing location for public
- 21 financial reporting by judges of compensation claims from
- 22 the Secretary of State to the Commission on Ethics; and
- 23 clarify that the Code of Judicial Conduct governs the
- 24 reporting of gifts for judges of compensation claims.
- 25 15. Repeal provisions which provide criminal
- 26 penalties for offenses by public officers and employees
- 27 relating to the purchase of supplies or materials and the
- 28 bidding for public work.
- 29 16. Clarify that conflict of interest provisions
- 30 apply to certain indirect business relationships; extend
- 31 the prohibition against the use of inside public
- information to former officers and employees; modify
- exemptions to the conflict of interest provision of the
- ethics code and the prohibition against doing business
- with one's own agency; and clarify the conflict of
- interest exemption for elected officers who maintain an
- employment relationship with a tax-exempt organization.
- 17. Authorize the commission to seek immunity for
- certain witnesses.
- 18. Prohibit retired employees from certain
- representations of others.
- 19. Prohibit certain public officials from voting
- on certain matters.