

By the Committees on Fiscal Policy; Ethics and Elections; and Senators Saunders, Carlton, Sebesta, Rossin, Meek, Kirkpatrick, Hargrett and Latvala

309-1756-99

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.312,
3 F.S.; redefining the terms "gift" and
4 "liability"; amending s. 112.3144, F.S.;
5 revising the reporting requirements for full
6 and public disclosure of financial interests;
7 transferring filing administration from the
8 Secretary of State to the Commission on Ethics;
9 modifying the filing location for officers from
10 the Secretary of State to the commission;
11 establishing an automatic fine system for
12 delinquent filers and nonfilers; requiring
13 former officers and employees to file a final
14 disclosure of financial interests no later than
15 60 days following departure, with certain
16 exceptions; requiring the Commission on Ethics
17 to adopt rules and forms relating to filing
18 amended full and public disclosure of financial
19 interests; amending s. 112.3145, F.S.;
20 redefining the terms "local officer" and
21 "specified state employee"; revising the
22 reporting requirements for limited statutory
23 disclosure of financial interests; transferring
24 filing administration from the Secretary of
25 State to the Commission on Ethics; modifying
26 the filing location for state officers and
27 specified state employees from the Secretary of
28 State to the commission; modifying
29 certification requirements of supervisors of
30 elections with regard to delinquent filers and
31 nonfilers; establishing an automatic fine

1 system for delinquent filers and nonfilers;
2 requiring former officers and employees to file
3 a final statement of financial interests within
4 60 days after leaving office or employment,
5 with certain exceptions; modifying reporting
6 dates for filing quarterly reports of the names
7 of clients represented before certain agencies
8 for a fee; requiring the Commission on Ethics
9 to adopt rules and forms relating to amended
10 financial disclosure filings; amending s.
11 112.3148, F.S.; redefining the terms "reporting
12 individual" and "procurement employee";
13 authorizing the Technological Research and
14 Development Authority to make certain gifts
15 under certain circumstances; modifying the
16 method of valuing gifts; establishing a
17 reimbursement deadline with regard to the
18 valuation of gifts received by reporting
19 individuals; clarifying that the gifts law
20 applies to candidates; extending the gifts law
21 to include nonincumbents elected to office for
22 the period immediately following election but
23 before officially taking office; transferring
24 the filing administration for gift disclosure
25 from the Secretary of State to the Commission
26 on Ethics; amending s. 112.3149, F.S.;
27 redefining the term "procurement employee";
28 transferring filing administration for
29 honoraria disclosure from the Department of
30 State to the Commission on Ethics; amending s.
31 112.317, F.S.; authorizing the Commission on

1 Ethics to recommend how restitution may be
2 paid; amending s. 112.324, F.S.; clarifying
3 that the proper sanction authority in the case
4 of a current state legislator who commits an
5 act in violation of the Ethics Code prior to
6 joining the Legislature is vested in the house
7 in which the legislator serves; amending s.
8 914.21, F.S.; redefining the terms "official
9 proceeding" and "official investigation";
10 extending the witness-tampering laws to include
11 Commission on Ethics investigations and
12 proceedings; repealing s. 112.3151, F.S., which
13 authorizes the Commission on Ethics to grant
14 extensions of time for filing financial
15 disclosure statements; amending s. 112.317,
16 F.S.; entitling the Attorney General to
17 reimbursement of fees and costs associated with
18 collecting civil and restitution penalties
19 imposed for ethics violations; removing a
20 criminal penalty related to the disclosure of
21 confidential information brought before the
22 commission; amending s. 112.3215, F.S.;
23 redefining the term "lobbyist"; modifying
24 reporting period and dates for filing executive
25 branch lobbying reports; amending fines for
26 late-filed reports; amending time periods
27 related to payment or dispute of fines;
28 providing a procedure for collection of
29 delinquent fines; clarifying that a person
30 registered as a lobbyist must file expenditure
31 reports until registration is withdrawn or

1 ends; repealing s. 112.322(9), F.S., which
2 requires the Commission on Ethics to report
3 certain delinquent financial disclosure filers
4 to the Department of Community Affairs;
5 amending s. 213.053, F.S.; authorizing the
6 Commission on Ethics to access Department of
7 Revenue information received in connection with
8 the administration of taxes; amending s.
9 440.442, F.S.; transferring the filing location
10 for public financial reporting by judges of
11 compensation claims from the Secretary of State
12 to the Commission on Ethics; clarifying that
13 the Code of Judicial Conduct governs the
14 reporting of gifts for judges of compensation
15 claims; repealing ss. 839.08, 839.09, 839.091,
16 and 839.10, F.S., which provide criminal
17 penalties for offenses by public officers and
18 employees relating to the purchase of supplies
19 or materials and the bidding for public work;
20 amending s. 112.313, F.S.; clarifying that
21 conflict of interest provisions apply to
22 certain indirect business relationships;
23 extending the prohibition against the use of
24 inside public information to former officers
25 and employees; modifying exemptions to the
26 conflict-of-interest provision of the Ethics
27 Code and the prohibition against doing business
28 with one's own agency; clarifying the
29 conflict-of-interest exemption for elected
30 officers who maintain an employment
31 relationship with a tax-exempt organization;

1 redefining the term "local government
2 attorney"; creating s. 112.3232, F.S.;
3 authorizing the Commission on Ethics to seek
4 immunity for certain witnesses; amending s.
5 112.324, F.S.; authorizing the Commission on
6 Ethics to investigate alleged ethics violations
7 on its own authority under certain
8 circumstances; appropriating funds to the
9 Commission on Ethics; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsections (12) and (14) of section
15 112.312, Florida Statutes, are amended to read:

16 112.312 Definitions.--As used in this part and for
17 purposes of the provisions of s. 8, Art. II of the State
18 Constitution, unless the context otherwise requires:

19 (12)(a) "Gift," for purposes of ethics in government
20 and financial disclosure required by law, means that which is
21 accepted by a donee or by another on the donee's behalf, or
22 that which is paid or given to another for or on behalf of a
23 donee, directly, indirectly, or in trust for the donee's
24 benefit or by any other means, for which equal or greater
25 consideration is not given within 90 days, including:

- 26 1. Real property.
27 2. The use of real property.
28 3. Tangible or intangible personal property.
29 4. The use of tangible or intangible personal
30 property.

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1 5. A preferential rate or terms on a debt, loan,
2 goods, or services, which rate is below the customary rate and
3 is not either a government rate available to all other
4 similarly situated government employees or officials or a rate
5 which is available to similarly situated members of the public
6 by virtue of occupation, affiliation, age, religion, sex, or
7 national origin.

8 6. Forgiveness of an indebtedness.

9 7. Transportation, other than that provided to a
10 public officer or employee by an agency in relation to
11 officially approved governmental business, lodging, or
12 parking.

13 8. Food or beverage.

14 9. Membership dues.

15 10. Entrance fees, admission fees, or tickets to
16 events, performances, or facilities.

17 11. Plants, flowers, or floral arrangements.

18 12. Services provided by persons pursuant to a
19 professional license or certificate.

20 13. Other personal services for which a fee is
21 normally charged by the person providing the services.

22 14. Any other similar service or thing having an
23 attributable value not already provided for in this section.

24 (b) "Gift" does not include:

25 1. Salary, benefits, services, fees, commissions,
26 gifts, or expenses associated primarily with the donee's
27 employment, business, or service as an officer or director of
28 a corporation or organization.

29 2. Contributions or expenditures reported pursuant to
30 chapter 106, campaign-related personal services provided
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1 without compensation by individuals volunteering their time,
2 or any other contribution or expenditure by a political party.

3 3. An honorarium or an expense related to an
4 honorarium event paid to a person or the person's spouse.

5 4. An award, plaque, certificate, or similar
6 personalized item given in recognition of the donee's public,
7 civic, charitable, or professional service.

8 5. An honorary membership in a service or fraternal
9 organization presented merely as a courtesy by such
10 organization.

11 6. The use of a public facility or public property,
12 made available by a governmental agency, for a public purpose.

13 7. Transportation provided to a public officer or
14 employee by an agency in relation to officially approved
15 governmental business.

16 8. Gifts provided directly or indirectly by a state,
17 regional, or national organization which promotes the exchange
18 of ideas between, or the professional development of,
19 governmental officials or employees, and whose membership is
20 primarily composed of elected or appointed public officials or
21 staff, to members of that organization or officials or staff
22 of a governmental agency that is a member of that
23 organization.

24 (c) For the purposes of paragraph (a), "intangible
25 personal property" means property as defined in s.
26 192.001(11)(b).

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

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

10 Section 2. Section 112.3144, Florida Statutes, is
11 amended to read:

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

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

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

29 ~~(3)(2)~~ For purposes of full and public disclosure
30 under s. 8(a), Art. II of the State Constitution, the
31 following items, if not held for investment purposes and if

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

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. For each asset and liability in excess of \$100,000,
9 in incremental categories of \$100,000.

10 (6)(3) Forms for compliance with the full and public
11 disclosure requirements of s. 8, Art. II of the State
12 Constitution, ~~and a current list of persons required to file~~
13 ~~full and public disclosure by s. 8, Art. II of the State~~
14 ~~Constitution, or other state law, shall be created provided by~~
15 ~~the Commission on Ethics. The commission to the Secretary of~~
16 ~~State, who shall give notice of disclosure deadlines and~~
17 ~~delinquencies and distribute forms in the following manner:~~

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

28 (b) Not later than 30 days before July 1 of each year,
29 the commission ~~Secretary of State~~ shall mail a copy of the
30 form prescribed for compliance with full and public disclosure
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1 and a notice of the filing deadline to each person on the
2 mailing list.

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

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

27 ~~(d) Not later than 30 days following September 1 of~~
28 ~~each year, the Secretary of State shall certify to the~~
29 ~~Commission on Ethics a list of the names and addresses of and~~
30 ~~the offices held by all persons on the mailing list who have~~
31 ~~failed to timely file full and public disclosure. The~~

1 ~~certification shall be on a form prescribed by the commission~~
2 ~~and shall indicate whether the Secretary of State has provided~~
3 ~~the disclosure forms and notice as required by this section to~~
4 ~~all persons named on the delinquency list.~~

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

17 1. The amount of the fine due is based upon the
18 earliest of the following:

19 a. When a statement is actually received by the
20 office.

21 b. When the statement is postmarked.

22 c. When the certificate of mailing is dated.

23 d. When the receipt from an established courier
24 company is dated.

25 2. Upon receipt of the disclosure statement or upon
26 accrual of the maximum penalty, whichever occurs first, the
27 commission shall determine the amount of the fine which is due
28 and shall notify the delinquent person. The notice shall
29 include an explanation of the appeal procedure in subparagraph

30 3. Such fine shall be paid within 30 days after the notice of
31 payment due is transmitted, unless appeal is made to the

1 commission pursuant to subparagraph 3. The moneys shall be
2 deposited into the General Revenue Fund.

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

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

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

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

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

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

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

1 recognizing that the public was deprived of access to
2 information to which it was entitled.

3 Section 3. Section 112.3145, Florida Statutes, is
4 amended to read:

5 112.3145 Disclosure of financial interests and clients
6 represented before agencies.--

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

9 (a) "Local officer" means:

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

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

18 a. The governing body of the political subdivision, if
19 appointed;

20 b. An expressway authority or transportation authority
21 established by general law;

22 c. A community college or junior college district
23 board of trustees;

24 d. A board having the power to enforce local code
25 provisions;

26 e. A planning or zoning board, board of adjustment,
27 board of appeals, or other board having the power to
28 recommend, create, or modify land planning or zoning within
29 the political subdivision, except for citizen advisory
30 committees, technical coordinating committees, and such other

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1 groups who only have the power to make recommendations to
2 planning or zoning boards;

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

7 g. Any other appointed member of a local government
8 board who is required to file a statement of financial
9 interests by the appointing authority or the enabling
10 legislation, ordinance, or resolution creating the board.~~a~~
11 ~~board; commission; authority, including any expressway~~
12 ~~authority or transportation authority established by general~~
13 ~~law; community college district board of trustees; or council~~
14 ~~of any political subdivision of the state, excluding any~~
15 ~~member of an advisory body. A governmental body with~~
16 ~~land-planning, zoning, or natural resources responsibilities~~
17 ~~shall not be considered an advisory body.~~

18 3. Any person holding one or more of the following
19 positions: mayor; county or city manager; chief administrative
20 employee of a county, municipality, or other political
21 subdivision; county or municipal attorney; chief county or
22 municipal building inspector; county or municipal water
23 resources coordinator; county or municipal pollution control
24 director; county or municipal environmental control director;
25 county or municipal administrator, with power to grant or deny
26 a land development permit; chief of police; fire chief;
27 municipal clerk; district school superintendent; community
28 college president; district medical examiner; or purchasing
29 agent having the authority to make any purchase exceeding
30 \$5,000~~\$1,000~~ for any political subdivision of the state or
31 any entity thereof.

- 1 (b) "Specified state employee" means:
- 2 1. Public counsel created by chapter 350, an assistant
3 state attorney, an assistant public defender, a full-time
4 state employee who serves as counsel or assistant counsel to
5 any state agency, a judge of compensation claims, an
6 administrative law judge, or a hearing officer.
- 7 2. Any person employed in the office of the Governor
8 or in the office of any member of the Cabinet if that person
9 is exempt from the Career Service System, except persons
10 employed in clerical, secretarial, or similar positions.
- 11 3. Each appointed secretary, assistant secretary,
12 deputy secretary, executive director, assistant executive
13 director, or deputy executive director of each state
14 department, commission, board, or council; unless otherwise
15 provided, the division director, assistant division director,
16 deputy director, bureau chief, and assistant bureau chief of
17 any state department or division; or any person having the
18 power normally conferred upon such persons, by whatever title.
- 19 4. The superintendent or institute director of a state
20 mental health institute established for training and research
21 in the mental health field or the superintendent or director
22 of any major state institution or facility established for
23 corrections, training, treatment, or rehabilitation.
- 24 5. Business managers, purchasing agents having the
25 power to make any purchase exceeding \$5,000~~\$1,000~~, finance
26 and accounting directors, personnel officers, or grants
27 coordinators for any state agency.
- 28 6. Any person, other than a legislative assistant
29 exempted by the presiding officer of the house by which the
30 legislative assistant is employed, who is employed in the
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1 legislative branch of government, except persons employed in
2 maintenance, clerical, secretarial, or similar positions.

3 7. Each employee of the Commission on Ethics.

4 (c) "State officer" means:

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

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

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

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

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

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

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

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

29 (a) All sources of income in excess of \$2,500 ~~5~~
30 ~~percent of the gross income~~ received during the disclosure
31 period by the person in his or her own name or by any other

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

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

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

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

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

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

1 require substantial discretion, a variance, a special
2 consideration, or a certificate of public convenience and
3 necessity.

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

22 (6) Forms for compliance with the disclosure
23 requirements of this section and a current list of persons
24 subject to disclosure shall be created ~~provided~~ by the
25 ~~commission on Ethics to the Secretary of State~~ and provided to
26 each supervisor of elections. The commission and each
27 supervisor of elections, ~~who~~ shall give notice of disclosure
28 deadlines and delinquencies and distribute forms in the
29 following manner:

30 (a)1. Not later than May 1 of each year, the
31 ~~commission on Ethics~~ shall prepare a current list of the names

1 and addresses of, and the offices or positions held by, every
2 state officer, local officer, and specified employee. In
3 compiling the list, the commission shall be assisted by each
4 unit of government in providing, at the request of the
5 commission, the name, address, and name of agency of, and the
6 office or position held by, each state officer, local officer,
7 or specified state employee within the respective unit of
8 government.

9 2. Not later than May 15 of each year, the commission
10 ~~shall provide the Secretary of State with a current mailing~~
11 ~~list of all state officers and specified employees and shall~~
12 provide each supervisor of elections with a current mailing
13 list of all local officers required to file with such
14 supervisor of elections.

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

21 (c) Not later than 30 days after July 1 of each year,
22 the commission ~~Secretary of State~~ and each supervisor of
23 elections shall determine which persons required to file a
24 statement of financial interests in their respective offices
25 have failed to do so and shall send delinquency notices by
26 certified mail to such persons. Each notice shall state that
27 a grace period is in effect until September 1 of the current
28 year; that no investigative or disciplinary action based upon
29 the delinquency will be taken by the agency head or Commission
30 on Ethics if the statement is filed by September 1 of the
31 current year; that, if the statement is not filed by September

1 | 1 of the current year, a fine of \$25 for each day late will be
2 | imposed, up to a maximum penalty of \$1,500; for notices sent
3 | by a supervisor of elections, that he or she is required by
4 | law to notify the Commission on Ethics of the delinquency; and
5 | that, if upon the filing of a sworn complaint the commission
6 | finds that the person has failed to timely file the statement
7 | within 60 days after ~~by~~ September 1 of the current year, such
8 | person shall also be subject to the penalties provided in s.
9 | 112.317.

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

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

1 (f) Any person who is required to file a statement of
2 financial interests and whose name is on the commission's
3 mailing list but who fails to timely file is hereby assessed a
4 fine of \$25 per day for each day late up to a maximum of
5 \$1,500; however, the \$1,500 cap on automatic fines shall not
6 limit the civil penalty that can be imposed if the statement
7 is filed more than 60 days after the deadline and a complaint
8 is filed, as provided in s. 112.324. The commission shall
9 provide by rule a procedure by which each person whose name is
10 on the mailing list and who is determined to have not filed in
11 a timely manner shall be notified of assessed fines. The rule
12 shall provide for the following:

13 1. The amount of the fine due is based upon the
14 earliest of the following:

15 a. When a statement is actually received by the
16 office.

17 b. When the statement is postmarked.

18 c. When the certificate of mailing is dated.

19 d. When the receipt from an established courier
20 company is dated.

21 2. For a specified state employee or a state officer,
22 upon receipt of the disclosure statement by the commission or
23 upon accrual of the maximum penalty, whichever occurs first,
24 and for a local officer upon receipt by the commission of the
25 certification from the local officer's supervisor of elections
26 pursuant to paragraph (d), the commission shall determine the
27 amount of the fine which is due and shall notify the
28 delinquent person. The notice shall include an explanation of
29 the appeal procedure in subparagraph 3. Such fine shall be
30 paid within 30 days after the notice of payment due is
31 transmitted, unless appeal is made to the commission pursuant

1 to subparagraph 3. The moneys shall be deposited into the
2 General Revenue Fund.

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

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

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

27 (i) Notwithstanding any provision of chapter 120, any
28 fine imposed under this subsection that is not waived by final
29 order of the commission and that remains unpaid more than 60
30 days after the notice of payment due or more than 60 days
31 after the commission renders a final order on the appeal shall

1 be submitted to the Department of Banking and Finance as a
2 claim, debt, or other obligation owed to the state, and the
3 department shall assign the collection of such fine to a
4 collection agent as provided in s. 17.20.

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

17 (8) A public officer who has filed a disclosure for
18 any calendar or fiscal year shall not be required to file a
19 second disclosure for the same year or any part thereof,
20 notwithstanding any requirement of this act, except that any
21 public officer who qualifies as a candidate for public office
22 shall file a copy of the disclosure with the officer before
23 whom he or she qualifies as a candidate at the time of
24 qualification.

25 (9) The commission shall adopt rules and forms
26 specifying how a state officer, local officer, or specified
27 state employee may amend his or her statement of financial
28 interests to report information that was not included on the
29 originally filed form. If the amendment is the subject of a
30 complaint filed under this part, the commission and the proper
31 disciplinary official or body shall take into account as a

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

6 Section 4. Section 112.3148, Florida Statutes, is
7 amended to read:

8 112.3148 Reporting and prohibited receipt of gifts by
9 individuals filing full or limited public disclosure of
10 financial interests and by procurement employees.--

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

14 (2) As used in this section:

15 (a) "Immediate family" means any parent, spouse,
16 child, or sibling.

17 (b)1. "Lobbyist" means any natural person who, for
18 compensation, seeks, or sought during the preceding 12 months,
19 to influence the governmental decisionmaking of a reporting
20 individual or procurement employee or his or her agency or
21 seeks, or sought during the preceding 12 months, to encourage
22 the passage, defeat, or modification of any proposal or
23 recommendation by the reporting individual or procurement
24 employee or his or her agency.

25 2. With respect to an agency that has established by
26 rule, ordinance, or law a registration process for persons
27 seeking to influence decisionmaking or to encourage the
28 passage, defeat, or modification of any proposal or
29 recommendation by such agency or an employee or official of
30 the agency, the term "lobbyist" includes only a person who is
31 required to be registered as a lobbyist in accordance with

1 such rule, ordinance, or law or who was during the preceding
2 12 months required to be registered as a lobbyist in
3 accordance with such rule, ordinance, or law. At a minimum,
4 such a registration system must require the registration of,
5 or must designate, persons as "lobbyists" who engage in the
6 same activities as require registration to lobby the
7 Legislature pursuant to s. 11.045.

8 (c) "Person" includes individuals, firms,
9 associations, joint ventures, partnerships, estates, trusts,
10 business trusts, syndicates, fiduciaries, corporations, and
11 all other groups or combinations.

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

24 (e) "Procurement employee" means any employee of an
25 officer, department, board, commission, or council of the
26 executive branch or judicial branch of state government who
27 participates through decision, approval, disapproval,
28 recommendation, preparation of any part of a purchase request,
29 influencing the content of any specification or procurement
30 standard, rendering of advice, investigation, or auditing or
31 in any other advisory capacity in the procurement of

1 contractual services or commodities as defined in s. 287.012,
2 if the cost of such services or commodities exceeds \$5,000
3 ~~\$1,000~~ in any year.

4 (3) A reporting individual or procurement employee is
5 prohibited from soliciting any gift from a political committee
6 or committee of continuous existence, as defined in s.
7 106.011, or from a lobbyist who lobbies the reporting
8 individual's or procurement employee's agency, or the partner,
9 firm, employer, or principal of such lobbyist, where such gift
10 is for the personal benefit of the reporting individual or
11 procurement employee, another reporting individual or
12 procurement employee, or any member of the immediate family of
13 a reporting individual or procurement employee.

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

30 (5)(a) A political committee or a committee of
31 continuous existence, as defined in s. 106.011; a lobbyist who

1 lobbies a reporting individual's or procurement employee's
2 agency; the partner, firm, employer, or principal of a
3 lobbyist; or another on behalf of the lobbyist or partner,
4 firm, principal, or employer of the lobbyist is prohibited
5 from giving, either directly or indirectly, a gift that has a
6 value in excess of \$100 to the reporting individual or
7 procurement employee or any other person on his or her behalf;
8 however, such person may give a gift having a value in excess
9 of \$100 to a reporting individual or procurement employee if
10 the gift is intended to be transferred to a governmental
11 entity or a charitable organization.

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

1 her behalf, will report the gift under this subsection. Under
2 this paragraph, a gift need not be reported by more than one
3 person or entity.

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

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

1 (c) No later than March 1 of each year, each
2 governmental entity or direct-support organization
3 specifically authorized by law to support a governmental
4 entity which has given a gift to a reporting individual or
5 procurement employee under paragraph (a) shall provide the
6 reporting individual or procurement employee with a statement
7 of each gift having a value in excess of \$100 given to such
8 reporting individual or procurement employee by the
9 governmental entity or direct-support organization during the
10 preceding calendar year. Such report shall contain a
11 description of each gift, the date on which the gift was
12 given, and the value of the total gifts given by the
13 governmental entity or direct-support organization to the
14 reporting individual or procurement employee during the
15 calendar year for which the report is made. A governmental
16 entity may provide a single report to the reporting individual
17 or procurement employee of gifts provided by the governmental
18 entity and any direct-support organization specifically
19 authorized by law to support such governmental entity.

20 (d) No later than July 1 of each year, each reporting
21 individual or procurement employee shall file a statement
22 listing each gift having a value in excess of \$100 received by
23 the reporting individual or procurement employee, either
24 directly or indirectly, from a governmental entity or a
25 direct-support organization specifically authorized by law to
26 support a governmental entity. The statement shall list the
27 name of the person providing the gift, a description of the
28 gift, the date or dates on which the gift was given, and the
29 value of the total gifts given during the calendar year for
30 which the report is made. The reporting individual or
31 procurement employee shall attach to such statement any report

1 received by him or her in accordance with paragraph (c), which
2 report shall become a public record when filed with the
3 statement of the reporting individual or procurement employee.
4 The reporting individual or procurement employee may explain
5 any differences between the report of the reporting individual
6 or procurement employee and the attached reports. The annual
7 report filed by a reporting individual shall be filed with the
8 financial disclosure statement required by either s. 8, Art.
9 II of the State Constitution or s. 112.3145, as applicable to
10 the reporting individual. The annual report filed by a
11 procurement employee shall be filed with the Commission on
12 Ethics ~~Department of State~~.

13 (7)(a) The value of a gift provided to a reporting
14 individual or procurement employee shall be determined using
15 fair market value ~~actual cost to the donor~~, less taxes and
16 gratuities, except as otherwise provided in this subsection,
17 and, with respect to personal services provided by the donor,
18 the reasonable and customary charge regularly charged for such
19 service in the community in which the service is provided
20 shall be used. If additional expenses are required as a
21 condition precedent to eligibility of the donor to purchase or
22 provide a gift and such expenses are primarily for the benefit
23 of the donor or are of a charitable nature, such expenses
24 shall not be included in determining the value of the gift.

25 (b) Compensation provided by the donee to the donor,
26 if provided within 90 days of receipt, shall be deducted from
27 the value of the gift in determining the value of the gift.

28 (c) If the actual gift value attributable to
29 individual participants at an event cannot be determined, the
30 total costs shall be prorated among all invited persons,
31

1 whether or not they are reporting individuals or procurement
2 employees.

3 (d) Transportation shall be valued on a round-trip
4 basis unless only one-way transportation is provided.
5 Round-trip transportation expenses shall be considered a
6 single gift. Transportation provided in a private conveyance
7 shall be given the same value as transportation provided in a
8 comparable commercial conveyance.

9 (e) Lodging provided on consecutive days shall be
10 considered a single gift. Lodging in a private residence
11 shall be valued at the per diem rate provided in s.
12 112.061(6)(a)1. less the meal allowance rate provided in s.
13 112.061(6)(b).

14 (f) Food and beverages which are not consumed at a
15 single sitting or meal and which are provided on the same
16 calendar day shall be considered a single gift, and the total
17 value of all food and beverages provided on that date shall be
18 considered the value of the gift. Food and beverage consumed
19 at a single sitting or meal shall be considered a single gift
20 and the value of the food and beverage provided at that
21 sitting or meal shall be considered the value of the gift.

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

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

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

29 (j) The value of a gift provided to several
30 individuals may be attributed on a pro rata basis among all of
31 the individuals. If the gift is food, beverage, entertainment,

1 or similar items, provided at a function for more than 10
2 people, the value of the gift to each individual shall be the
3 total value of the items provided divided by the number of
4 persons invited to the function, unless the items are
5 purchased on a per person basis, in which case the value of
6 the gift to each person is the per person cost.

7 (k) The value of a gift of an admission ticket shall
8 not include that portion of the cost which represents a
9 charitable contribution, ~~if the gift is provided by the~~
10 ~~charitable organization.~~

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

- 20 1. Gifts from relatives.
- 21 2. Gifts prohibited by subsection (4) or s.
22 112.313(4).
- 23 3. Gifts otherwise required to be disclosed by this
24 section.

25 (b) The statement shall include:

- 26 1. A description of the gift, the monetary value of
27 the gift, the name and address of the person making the gift,
28 and the dates thereof. If any of these facts, other than the
29 gift description, are unknown or not applicable, the report
30 shall so state.

31

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

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

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

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

13 (9) A person, other than a lobbyist regulated under s.
14 11.045, who violates the provisions of subsection (5) commits
15 a noncriminal infraction, punishable by a fine of not more
16 than \$5,000 and by a prohibition on lobbying, or employing a
17 lobbyist to lobby, before the agency of the reporting
18 individual or procurement employee to which the gift was given
19 in violation of subsection (5), for a period of not more than
20 24 months. The state attorney, or an agency, if otherwise
21 authorized, may initiate an action to impose or recover a fine
22 authorized under this section or to impose or enforce a
23 limitation on lobbying provided in this section.

24 (10) A member of the Legislature may request an
25 advisory opinion from the general counsel of the house of
26 which he or she is a member as to the application of this
27 section to a specific situation. The general counsel shall
28 issue the opinion within 10 days after receiving the request.
29 The member of the Legislature may reasonably rely on such
30 opinion.

31

1 Section 5. Paragraph (e) of subsection (1) and
2 Subsection (6) of section 112.3149, Florida Statutes, are
3 amended to read:

4 112.3149 Solicitation and disclosure of honoraria.--

5 (1) As used in this section:

6 (e) "Procurement employee" means any employee of an
7 officer, department, board, commission, or council of the
8 executive branch or judicial branch of state government who
9 participates through decision, approval, disapproval,
10 recommendation, preparation of any part of a purchase request,
11 influencing the content of any specification or procurement
12 standard, rendering of advice, investigation, or auditing or
13 in any other advisory capacity in the procurement of
14 contractual services or commodities as defined in s. 287.012,
15 if the cost of such services or commodities exceeds \$5,000
16 ~~\$1,000~~ in any year.

17 (6) A reporting individual or procurement employee who
18 receives payment or provision of expenses related to any
19 honorarium event from a person who is prohibited by subsection
20 (4) from paying an honorarium to a reporting individual or
21 procurement employee shall publicly disclose on an annual
22 statement the name, address, and affiliation of the person
23 paying or providing the expenses; the amount of the honorarium
24 expenses; the date of the honorarium event; a description of
25 the expenses paid or provided on each day of the honorarium
26 event; and the total value of the expenses provided to the
27 reporting individual or procurement employee in connection
28 with the honorarium event. The annual statement of honorarium
29 expenses shall be filed by July 1 of each year for such
30 expenses received during the previous calendar year. The
31 reporting individual or procurement employee shall attach to

1 the annual statement a copy of each statement received by him
2 or her in accordance with subsection (5) regarding honorarium
3 expenses paid or provided during the calendar year for which
4 the annual statement is filed. Such attached statement shall
5 become a public record upon the filing of the annual report.
6 The annual statement of a reporting individual shall be filed
7 with the financial disclosure statement required by either s.
8 8, Art. II of the State Constitution or s. 112.3145, as
9 applicable to the reporting individual. The annual statement
10 of a procurement employee shall be filed with the Commission
11 on Ethics ~~Department of State~~.

12 Section 6. Subsection (3) of section 112.324, Florida
13 Statutes, is amended to read:

14 112.324 Procedures on complaints of violations.--

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

1 member of the Legislature, the house in which the member
2 serves shall have the power to invoke the penalty provisions
3 of this part.

4 Section 7. Section 914.21, Florida Statutes, is
5 amended to read:

6 914.21 Definitions.--As used in ss. 914.22-914.24, the
7 term:

8 (1) "Bodily injury" means:

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

10 (b) Physical pain;

11 (c) Illness;

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

14 (e) Any other injury to the body, no matter how
15 temporary.

16 (2) "Misleading conduct" means:

17 (a) Knowingly making a false statement;

18 (b) Intentionally omitting information from a
19 statement and thereby causing a portion of such statement to
20 be misleading, or intentionally concealing a material fact and
21 thereby creating a false impression by such statement;

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

25 (d) With intent to mislead, knowingly submitting or
26 inviting reliance on a sample, specimen, map, photograph,
27 boundary mark, or other object that is misleading in a
28 material respect; or

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

31

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

5 (4) "Official proceeding" means:

6 (a) A proceeding before a judge or court or a grand
7 jury;

8 (b) A proceeding before the Legislature; or

9 (c) A proceeding before a federal agency which is
10 authorized by law.

11 (d) A proceeding before the Florida Commission on
12 Ethics.

13 (5) "Physical force" means physical action against
14 another and includes confinement.

15 Section 8. Section 112.3151, Florida Statutes, is
16 repealed.

17 Section 9. Subsections (2), (6), (7), and (8) of
18 section 112.317, Florida Statutes, are amended to read:

19 112.317 Penalties.--

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

31

1 attorney's fees, expert witness fees, or other costs of
2 collection incurred in bringing such actions.

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

12 (6)(7) In any case in which the commission finds
13 probable cause to believe that a complainant has committed
14 perjury in regard to any document filed with, or any testimony
15 given before, the commission, it shall refer such evidence to
16 the appropriate law enforcement agency for prosecution and
17 taxation of costs.

18 (7)(8) In any case in which the commission determines
19 that a person has filed a complaint against a public officer
20 or employee with a malicious intent to injure the reputation
21 of such officer or employee by filing the complaint with
22 knowledge that the complaint contains one or more false
23 allegations or with reckless disregard for whether the
24 complaint contains false allegations of fact material to a
25 violation of this part, the complainant shall be liable for
26 costs plus reasonable attorney's fees incurred in the defense
27 of the person complained against, including the costs and
28 reasonable attorney's fees incurred in proving entitlement to
29 and the amount of costs and fees. If the complainant fails to
30 pay such costs and fees voluntarily within 30 days following
31 such finding by the commission, the commission shall forward

1 such information to the Department of Legal Affairs, which
2 shall bring a civil action in a court of competent
3 jurisdiction to recover the amount of such costs and fees
4 awarded by the commission.

5 Section 10. Section 112.3215, Florida Statutes, is
6 amended to read:

7 112.3215 Lobbyists before the Executive Branch or the
8 Constitution Revision Commission; registration and reporting;
9 investigation by commission.--

10 (1) For the purposes of this section:

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

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

19 (c) "Fund" means the Executive Branch Lobby
20 Registration Trust Fund.

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

25 "Lobbies" also means influencing or attempting to influence,
26 on behalf of another, the Constitution Revision Commission's
27 action or nonaction through oral or written communication or
28 an attempt to obtain the goodwill of a member or employee of
29 the Constitution Revision Commission.

30 (e) "Lobbyist" means a person who is employed and
31 receives payment, or who contracts for economic consideration,

1 for the purpose of lobbying, or a person who is principally
2 employed for governmental affairs by another person or
3 governmental entity to lobby on behalf of that other person or
4 governmental entity. "Lobbyist" does not include a person who
5 is:

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

11 2. An employee of an agency or of a legislative or
12 judicial branch entity acting in the normal course of his or
13 her duties.

14 3. A confidential informant who is providing, or
15 wishes to provide, confidential information to be used for law
16 enforcement purposes.

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

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

22 (2) The Executive Branch Lobby Registration Trust Fund
23 is hereby created within the commission to be used for the
24 purpose of funding any office established to administer the
25 registration of lobbyists lobbying an agency, including the
26 payment of salaries and other expenses. The trust fund is not
27 subject to the service charge to General Revenue provisions of
28 chapter 215. All annual registration fees collected pursuant
29 to this section shall be deposited into such fund.

30 (3) A person may not lobby an agency until such person
31 has registered as a lobbyist with the commission. Such

1 registration shall be due upon initially being retained to
2 lobby and is renewable on a calendar year basis thereafter.
3 Upon registration the person shall provide a statement signed
4 by the principal or principal's representative that the
5 registrant is authorized to represent the principal. The
6 registration shall require the lobbyist to disclose, under
7 oath, the following information:
8 (a) Name and business address;
9 (b) The name and business address of each principal
10 represented;
11 (c) His or her area of interest;
12 (d) The agencies before which he or she will appear;
13 and
14 (e) The existence of any direct or indirect business
15 association, partnership, or financial relationship with any
16 employee of an agency with which he or she lobbies, or intends
17 to lobby, as disclosed in the registration.
18 (4) The annual lobbyist registration fee shall be set
19 by the commission by rule, not to exceed \$40 for each
20 principal represented.
21 (5)(a) A registered lobbyist must also submit to the
22 commission, biannually ~~quarterly~~, a signed expenditure report
23 summarizing all lobbying expenditures by the lobbyist and the
24 principal for each 6-month period during any portion of which
25 the lobbyist is registered. All expenditures made by the
26 lobbyist and the principal for the purpose of lobbying must be
27 reported. Reporting of expenditures shall be on an accrual
28 basis. The report of such expenditures must identify whether
29 the expenditure was made directly by the lobbyist, directly by
30 the principal, initiated or expended by the lobbyist and paid
31 for by the principal, or initiated or expended by the

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

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

27 (c) For each reporting period the commission shall
28 aggregate the expenditures of all lobbyists for a principal
29 represented by more than one lobbyist. Further, the commission
30 shall aggregate figures that provide a cumulative total of
31

1 expenditures reported as spent by and on behalf of each
2 principal for the calendar year.

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

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

17 (f) The commission shall provide by rule a procedure
18 by which a lobbyist who fails to timely file a report shall be
19 notified and assessed fines. The rule shall provide for the
20 following:

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

27 2. Upon receipt of the report, the person designated
28 to review the timeliness of reports shall determine the amount
29 of the fine due based upon the earliest of the following:

30 a. When a report is actually received by the lobbyist
31 registration and reporting office.

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

1 lobbyist to file a report after notice or of the failure of a
2 lobbyist to pay the fine imposed.

3 7. 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 lobbyist's
8 appeal shall be submitted to the Department of Banking and
9 Finance as a claim, debt, or other obligation owed to the
10 State, and the Department shall assign the collection of such
11 fine to a collection agent as provided in s. 17.20.

12 (g) The commission shall adopt a rule which allows
13 reporting statements to be filed by electronic means, when
14 feasible.

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

24 (6) A lobbyist shall promptly send a written statement
25 to the commission canceling the registration for a principal
26 upon termination of the lobbyist's representation of that
27 principal. Notwithstanding this requirement, the commission
28 may remove the name of a lobbyist from the list of registered
29 lobbyists if the principal notifies the office that a person
30 is no longer authorized to represent that principal. Each
31 lobbyist is responsible for filing an expenditure report for

1 each period during any portion of which he or she was
2 registered, and each principal is responsible for seeing that
3 an expenditure report is filed for each period during any
4 portion of which the principal was represented by a registered
5 lobbyist.

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

22 (8) If the commission finds no probable cause to
23 believe that a violation of this section occurred, it shall
24 dismiss the complaint, whereupon the complaint, together with
25 a written statement of the findings of the investigation and a
26 summary of the facts, shall become a matter of public record,
27 and the commission shall send a copy of the complaint,
28 findings, and summary to the complainant and the alleged
29 violator. If the commission finds probable cause to believe
30 that a violation occurred, it shall report the results of its
31 investigation to the Governor and Cabinet and send a copy of

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

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

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

26 (11) Agencies shall be diligent to ascertain whether
27 persons required to register pursuant to this section have
28 complied. An agency may not knowingly permit a person who is
29 not registered pursuant to this section to lobby the agency.
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1 (12) Upon discovery of violations of this section an
2 agency or any person may file a sworn complaint with the
3 commission.

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

9 Section 11. Subsection (9) of section 112.322, Florida
10 Statutes, is repealed.

11 Section 12. Subsection (6) of section 213.053, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 213.053 Confidentiality and information sharing.--

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

1 Treasurer or his or her authorized agent, the Commission on
2 Ethics or its authorized agent, or to a property appraiser or
3 tax collector or their authorized agents, or to designated
4 employees of the Department of Education if such disclosure is
5 prohibited by federal law. The Auditor General or his or her
6 authorized agent, the Comptroller or his or her authorized
7 agent, the Treasurer or his or her authorized agent, the
8 Commission on Ethics or its authorized agent, and the property
9 appraiser or tax collector and their authorized agents, or
10 designated employees of the Department of Education shall be
11 subject to the same requirements of confidentiality and the
12 same penalties for violation of the requirements as the
13 department. For the purpose of this subsection, "designated
14 employees of the Department of Education" means only those
15 employees directly responsible for calculation of price level
16 indices pursuant to s. 236.081(2). It does not include the
17 supervisors of such employees or any other employees or
18 elected officials within the Department of Education.

19 Section 13. Subsection (6) of section 440.442, Florida
20 Statutes, is amended to read:

21 440.442 Code of Judicial Conduct.--The Chief Judge,
22 and judges of compensation claims shall observe and abide by
23 the Code of Judicial Conduct as provided in this section. Any
24 material violation of a provision of the Code of Judicial
25 Conduct shall constitute either malfeasance or misfeasance in
26 office and shall be grounds for suspension and removal of such
27 Chief Judge, or judge of compensation claims by the Governor.

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

3 (a) Compensation for quasi-judicial and extrajudicial
4 services and reimbursement of expenses.--A judge may receive
5 compensation and reimbursement of expenses for the
6 quasi-judicial and extrajudicial activities permitted by this
7 section, if the source of such payments does not give the
8 appearance of influencing the judge in his or her judicial
9 duties or otherwise give the impression of impropriety subject
10 to the following restrictions:

11 1. Compensation: Compensation should not exceed a
12 reasonable amount nor should it exceed what a person who is
13 not a judge would receive for the same activity.

14 2. Expense reimbursement: Expense reimbursement
15 should be limited to the actual cost of travel, food, and
16 lodging reasonably incurred by the judge and, where
17 appropriate to the occasion, to his or her spouse. Any payment
18 in excess of such an amount is compensation.

19 (b) Public financial reporting.--

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

28 2. Gifts: A judge shall file a public report of all
29 gifts which are required to be disclosed under Canon 5D(5)(h)
30 ~~s. 112 [Canon 5C(4)(c)]~~ of the Code of Judicial Conduct. The
31 report of gifts received in the preceding calendar year shall

1 be filed in the office of the Commission on Ethics ~~Secretary~~
2 ~~of State~~ on or before July 1 of each year.

3 Section 14. Sections 839.08, 839.09, 839.091, and
4 839.10, Florida Statutes, are repealed.

5 Section 15. Subsections (7), (8), (12), (15), and (16)
6 of section 112.313, Florida Statutes, are amended to read:

7 112.313 Standards of conduct for public officers,
8 employees of agencies, and local government attorneys.--

9 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL
10 RELATIONSHIP.--

11 (a) No public officer or employee of an agency shall
12 have or hold any employment or contractual relationship
13 directly, or indirectly through ownership of a majority
14 interest in a business entity,with any business entity or any
15 agency which is subject to the regulation of, or is doing
16 business with, an agency of which he or she is an officer or
17 employee, excluding those organizations and their officers
18 who, when acting in their official capacity, enter into or
19 negotiate a collective bargaining contract with the state or
20 any municipality, county, or other political subdivision of
21 the state; nor shall an officer or employee of an agency have
22 or hold any employment or contractual relationship that will
23 create a continuing or frequently recurring conflict between
24 his or her private interests and the performance of his or her
25 public duties or that would impede the full and faithful
26 discharge of his or her public duties.

27 1. When the agency referred to is that certain kind of
28 special tax district created by general or special law and is
29 limited specifically to constructing, maintaining, managing,
30 and financing improvements in the land area over which the
31 agency has jurisdiction, or when the agency has been organized

1 pursuant to chapter 298, then employment with, or entering
2 into a contractual relationship with, such business entity by
3 a public officer or employee of such agency shall not be
4 prohibited by this subsection or be deemed a conflict per se.
5 However, conduct by such officer or employee that is
6 prohibited by, or otherwise frustrates the intent of, this
7 section shall be deemed a conflict of interest in violation of
8 the standards of conduct set forth by this section.

9 2. When the agency referred to is a legislative body
10 and the regulatory power over the business entity resides in
11 another agency, or when the regulatory power which the
12 legislative body exercises over the business entity or agency
13 is strictly through the enactment of laws or ordinances, then
14 employment or a contractual relationship with such business
15 entity by a public officer or employee of a legislative body
16 shall not be prohibited by this subsection or be deemed a
17 conflict.

18 (b) This subsection shall not prohibit a public
19 officer or employee from practicing in a particular profession
20 or occupation when such practice by persons holding such
21 public office or employment is required or permitted by law or
22 ordinance.

23 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--No
24 current or former public officer, employee of an agency, or
25 local government attorney shall disclose or use information
26 not available to members of the general public and gained by
27 reason of his or her official position, except for information
28 relating exclusively to governmental practices or procedures,
29 for his or her personal gain or benefit or for the personal
30 gain or benefit of any other person or business entity.

31

1 (12) EXEMPTION.--The requirements of subsections (3)
2 and (7) as they pertain to persons serving on advisory boards
3 may be waived in a particular instance by the body which
4 appointed the person to the advisory board, upon a full
5 disclosure of the transaction or relationship to the
6 appointing body prior to the waiver and an affirmative vote in
7 favor of waiver by two-thirds vote of that body. In instances
8 in which appointment to the advisory board is made by an
9 individual, waiver may be effected, after public hearing, by a
10 determination by the appointing person and full disclosure of
11 the transaction or relationship by the appointee to the
12 appointing person. In addition, no person shall be held in
13 violation of subsection (3) or subsection (7) if:

14 (a) Within a city or county the business is transacted
15 under a rotation system whereby the business transactions are
16 rotated among all qualified suppliers of the goods or services
17 within the city or county.

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

21 1. The official or the official's spouse or child has
22 in no way participated in the determination of the bid
23 specifications or the determination of the lowest or best
24 bidder;

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

29 3. The official, prior to or at the time of the
30 submission of the bid, has filed a statement with the
31 Commission on Ethics ~~Department of State~~, if the official is a

1 state officer or employee, or with the supervisor of elections
2 of the county in which the agency has its principal office, if
3 the official is an officer or employee of a political
4 subdivision, disclosing the official's interest, or the
5 interest of the official's spouse or child, and the nature of
6 the intended business.

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

10 (d) An emergency purchase or contract which would
11 otherwise violate a provision of subsection (3) or subsection
12 (7) must be made by the agency in order to protect the health,
13 safety, or welfare of the citizens of the state or any
14 political subdivision thereof.

15 (e) The business entity involved is the only source of
16 supply of the goods, property, or services being purchased by
17 the agency within the political subdivision of the officer or
18 employee and there is full disclosure by the officer or
19 employee of his or her interest in the business entity to the
20 governing body of the political subdivision prior to the
21 purchase, rental, sale, leasing, or other business being
22 transacted.

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

26 (g) The fact that a county or municipal officer or
27 member or employee of a public board or body, including a
28 district school officer or an officer of any district within a
29 county, is a stockholder, officer, or director of a bank will
30 not bar such bank from qualifying as a depository of funds
31 coming under the jurisdiction of any such public board or

1 body, provided it appears in the records of the agency that
2 the governing body of the agency has investigated and formally
3 determined that such officer or member or employee of a public
4 board or body has not favored such bank over other qualified
5 banks.

6 (h) The transaction is made pursuant to s. 240.229 or
7 s. 240.241 and is specifically approved by the president and
8 the Chancellor. The Chancellor shall submit to the Governor
9 and the Legislature by March 1 of each year a report of the
10 transactions approved pursuant to this paragraph during the
11 preceding year.

12 (i) The public officer or employee purchases in a
13 private capacity ~~goods or services~~, at a price and upon terms
14 available to similarly situated members of the general public,
15 from a business entity which is doing business with his or her
16 agency goods or services that are regularly provided by the
17 business entity to the general public.

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

21 1. The price and terms of the transaction are
22 available to similarly situated members of the general public;
23 and

24 2. The officer or employee makes full disclosure of
25 the relationship to the agency head or governing body prior to
26 the transaction.

27 (15) ADDITIONAL EXEMPTION.--No elected public officer
28 shall be held in violation of subsection (7) if the officer
29 maintains an employment relationship with an entity which is
30 currently a tax-exempt organization under s. 501(c) of the
31 Internal Revenue Code and which contracts with or otherwise

1 enters into a business relationship with the officer's agency
2 and:

3 (a) The officer's employment is not directly or
4 indirectly compensated as a result of such contract or
5 business relationship;

6 (b) The officer has in no way participated in the
7 agency's decision to contract or to enter into the business
8 relationship with the entity ~~his or her employer~~, whether by
9 participating in discussion at the meeting, by communicating
10 with officers or employees of the agency, or otherwise, unless
11 the agency's decision preceded the entity's offer of
12 employment to the officer by more than 1 year; and

13 (c) The officer abstains from voting on any matter
14 which may come before the agency involving the officer's
15 employer, publicly states to the assembly the nature of the
16 officer's interest in the matter from which he or she is
17 abstaining, and files a written memorandum as provided in s.
18 112.3143.

19 (16) LOCAL GOVERNMENT ATTORNEYS.--

20 (a) For the purposes of this section, "local
21 government attorney" means any individual who routinely serves
22 as the primary or principal attorney for a unit of local
23 government. The term shall not include any person who renders
24 legal services to a unit of local government pursuant to
25 contract limited to a specific issue or subject, to specific
26 litigation, or to a specific administrative proceeding or an
27 assistant to the primary or principal attorney for the unit of
28 local government. For the purposes of this section, "unit of
29 local government" includes, but is not limited to,
30 municipalities, counties, and special districts.

31

1 (b) It shall not constitute a violation of subsection
2 (3) or subsection (7) for a unit of local government to
3 contract with a law firm, operating as either a partnership or
4 a professional association, or in any combination thereof, or
5 with a local government attorney who is a member of or is
6 otherwise associated with the law firm, to provide any or all
7 legal services to the unit of local government, so long as the
8 local government attorney is not a full-time employee or
9 member of the governing body of the unit of local government.
10 However, the standards of conduct as provided in subsections
11 (2), (4), (5), (6), and (8) shall apply to any person who
12 serves as a local government attorney.

13 (c) No local government attorney or law firm in which
14 the local government attorney is a member, partner, or
15 employee shall represent a private individual or entity before
16 the unit of local government to which the local government
17 attorney provides legal services. A local government attorney
18 whose contract with the unit of local government does not
19 include provisions that authorize or mandate the use of the
20 law firm of the local government attorney to complete legal
21 services for the unit of local government shall not recommend
22 or otherwise refer legal work to that attorney's law firm to
23 be completed for the unit of local government.

24 Section 16. Section 112.3232, Florida Statutes, is
25 created to read:

26 112.3232 Compelled testimony.--If any person called to
27 testify in a commission proceeding shall refuse to testify
28 because of a claim of possible self-incrimination, the
29 commission, after consultation with the appropriate state
30 attorney, may apply to the chief judge of the appropriate
31 judicial circuit for a judicial grant of immunity ordering the

1 testimony of such person notwithstanding his or her objection,
2 but in such case no testimony or other information compelled
3 under the order, or any information directly or indirectly
4 derived from such testimony or other information, may be used
5 against the witness in any criminal prosecution or commission
6 proceeding.

7 Section 17. Subsections (1) and (2) of section
8 112.324, Florida Statutes, are amended to read:

9 112.324 Procedures on complaints of violations.--

10 (1) Upon a written complaint executed on a form
11 prescribed by the commission and signed under oath or
12 affirmation by any person, or upon receipt of reliable and
13 publicly disseminated information which at least seven of the
14 members of the commission deem sufficient to indicate a breach
15 of the public trust, the commission shall investigate any
16 alleged violation of this part or any other alleged breach of
17 the public trust within the jurisdiction of the commission as
18 provided in s. 8(f), Art. II of the State Constitution in
19 accordance with procedures set forth herein. Within 5 days
20 after receipt of a complaint by the commission or after
21 determination by the commission that information received is
22 deemed sufficient, a copy shall be transmitted to the alleged
23 violator. All proceedings, the complaint, and other records
24 relating to the preliminary investigation as provided herein,
25 or as provided by a Commission on Ethics and Public Trust
26 established by any county defined in s. 125.011(1), shall be
27 confidential and exempt from the provisions of s. 119.07(1),
28 and s. 24(a), Art. I of the State Constitution, either until
29 the alleged violator requests in writing that such
30 investigation and records be made public records or the
31 preliminary investigation is completed, notwithstanding any

1 provision of chapter 120 or s. 286.011 and s. 24(b), Art. I of
2 the State Constitution. In no event shall a complaint under
3 this part against a candidate in any general, special, or
4 primary election be filed or any intention of filing such a
5 complaint be disclosed on the day of any such election or
6 within the 5 days immediately preceding the date of the
7 election. The confidentiality provisions of this subsection
8 are ~~is~~ repealed October 2, 2002, and must be reviewed by the
9 Legislature before that date in accordance with s. 119.15, the
10 Open Government Sunset Review Act of 1995.

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

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

18 Section 18. Subsection (1) of section 112.317, Florida
19 Statutes, is amended to read:

20 112.317 Penalties.--

21 (1) Violation of any provision of this part,
22 including, but not limited to, any failure to file any
23 disclosures required by this part or violation of any standard
24 of conduct imposed by this part, or violation of any provision
25 of s. 8, Art. II of the State Constitution, in addition to any
26 criminal penalty or other civil penalty involved, shall,
27 pursuant to applicable constitutional and statutory
28 procedures, constitute grounds for, and may be punished by,
29 one or more of the following:

30 (a) In the case of a public officer:

31 1. Impeachment.

- 1 2. Removal from office.
- 2 3. Suspension from office.
- 3 4. Public censure and reprimand.
- 4 5. Forfeiture of no more than one-third salary per
- 5 month for no more than 12 months.
- 6 6. A civil penalty not to exceed \$10,000.
- 7 7. Restitution of any pecuniary benefits received
- 8 because of the violation committed. The commission may
- 9 recommend that the restitution penalty be paid to the agency
- 10 of which the public officer was a member or to the General
- 11 Revenue Fund of the state.
- 12 (b) In the case of an employee or a person designated
- 13 as a public officer by this part who otherwise would be deemed
- 14 to be an employee:
- 15 1. Dismissal from employment.
- 16 2. Suspension from employment for not more than 90
- 17 days without pay.
- 18 3. Demotion.
- 19 4. Reduction in salary level.
- 20 5. Forfeiture of no more than one-third salary per
- 21 month for no more than 12 months.
- 22 6. A civil penalty not to exceed \$10,000.
- 23 7. Restitution of any pecuniary benefits received
- 24 because of the violation committed. The commission may
- 25 recommend that the restitution penalty be paid to the agency
- 26 by which such employee was employed or by which such officer
- 27 was deemed to be an employee or to the General Revenue Fund of
- 28 the state.
- 29 8. Public censure and reprimand.
- 30
- 31

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

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

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

- 12 1. Public censure and reprimand.
- 13 2. A civil penalty not to exceed \$10,000.
- 14 3. 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 such public officer or employee or the General Revenue Fund
18 of the state.

19 Section 19. The sum of \$193,950 is appropriated from
20 the General Revenue Fund to the Commission on Ethics to
21 administer the responsibilities imposed by the act.

22 Section 20. This act shall take effect January 1,
23 2000.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 304

The Committee Substitute for Committee Substitute differs from the original bill in that it: modifies the method for valuation of gifts from actual cost to the donor to fair market value; modifies the gift law by authorizing a reporting individual to accept a gift of an admission ticket and deduct the portion of the ticket which represents a charitable contribution regardless of whether the donor is a charitable organization or any individual; modifies the gift law by adding the Technological Research and Development Authority to the current list of governmental entities that can give a gift over \$100 to a reporting individual if a public purpose can be shown for the gift.