

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Arnall offered the following:

**Amendment to Senate Amendment (662280) (with title amendment)**

Beginning on page 1, line 17 through page 56, line 25 remove from the amendment: all of said lines

and insert in lieu thereof:

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

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

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

1. Real property.

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- 1           2. The use of real property.
- 2           3. Tangible or intangible personal property.
- 3           4. The use of tangible or intangible personal
- 4 property.
- 5           5. A preferential rate or terms on a debt, loan,
- 6 goods, or services, which rate is below the customary rate and
- 7 is not either a government rate available to all other
- 8 similarly situated government employees or officials or a rate
- 9 which is available to similarly situated members of the public
- 10 by virtue of occupation, affiliation, age, religion, sex, or
- 11 national origin.
- 12           6. Forgiveness of an indebtedness.
- 13           7. Transportation, other than that provided to a
- 14 public officer or employee by an agency in relation to
- 15 officially approved governmental business, lodging, or
- 16 parking.
- 17           8. Food or beverage.
- 18           9. Membership dues.
- 19           10. Entrance fees, admission fees, or tickets to
- 20 events, performances, or facilities.
- 21           11. Plants, flowers, or floral arrangements.
- 22           12. Services provided by persons pursuant to a
- 23 professional license or certificate.
- 24           13. Other personal services for which a fee is
- 25 normally charged by the person providing the services.
- 26           14. Any other similar service or thing having an
- 27 attributable value not already provided for in this section.
- 28           (b) "Gift" does not include:
- 29           1. Salary, benefits, services, fees, commissions,
- 30 gifts, or expenses associated primarily with the donee's
- 31 employment, business, or service as an officer or director of

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1 a corporation or organization.

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

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

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

11 5. An honorary membership in a service or fraternal  
12 organization presented merely as a courtesy by such  
13 organization.

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

16 7. Transportation provided to a public officer or  
17 employee by an agency in relation to officially approved  
18 governmental business.

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

27 (c) For the purposes of paragraph (a), "intangible  
28 personal property" means property as defined in s.  
29 192.001(11)(b).

30 (d) For the purposes of paragraph (a), the term  
31 "consideration" does not include a promise to pay or otherwise

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1 provide something of value unless the promise is in writing  
2 and enforceable through the courts.

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

12 Section 2. Section 112.3144, Florida Statutes, is  
13 amended to read:

14 112.3144 Full and public disclosure of financial  
15 interests.--

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

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

31 (3)(2) For purposes of full and public disclosure

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1 under s. 8(a), Art. II of the State Constitution, the  
2 following items, if not held for investment purposes and if  
3 valued at over \$1,000 in the aggregate, may be reported in a  
4 lump sum and identified as "household goods and personal  
5 effects":

- 6 (a) Jewelry;
- 7 (b) Collections of stamps, guns, and numismatic  
8 properties;
- 9 (c) Art objects;
- 10 (d) Household equipment and furnishings;
- 11 (e) Clothing;
- 12 (f) Other household items; and
- 13 (g) Vehicles for personal use.

14 ~~(4)(3)~~ Forms for compliance with the full and public  
15 disclosure requirements of s. 8, Art. II of the State  
16 Constitution, ~~and a current list of persons required to file~~  
17 ~~full and public disclosure by s. 8, Art. II of the State~~  
18 ~~Constitution, or other state law, shall be created provided by~~  
19 ~~the Commission on Ethics. The commission to the Secretary of~~  
20 ~~State, who shall give notice of disclosure deadlines and~~  
21 ~~delinquencies and distribute forms in the following manner:~~

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

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

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

21 (d) Statements must be filed not later than 5 p.m. of  
22 the due date. However, any statement that is postmarked by the  
23 United States Postal Service by midnight of the due date is  
24 deemed to have been filed in a timely manner, and a  
25 certificate of mailing obtained from and dated by the United  
26 States Postal Service at the time of the mailing, or a receipt  
27 from an established courier company which bears a date on or  
28 before the due date, constitutes proof of mailing in a timely  
29 manner.

30 (d) ~~Not later than 30 days following September 1 of~~  
31 ~~each year, the Secretary of State shall certify to the~~

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1 ~~Commission on Ethics a list of the names and addresses of and~~  
2 ~~the offices held by all persons on the mailing list who have~~  
3 ~~failed to timely file full and public disclosure. The~~  
4 ~~certification shall be on a form prescribed by the commission~~  
5 ~~and shall indicate whether the Secretary of State has provided~~  
6 ~~the disclosure forms and notice as required by this section to~~  
7 ~~all persons named on the delinquency list.~~

8 (e) Any person who is required to file full and public  
9 disclosure of financial interests and whose name is on the  
10 commission's mailing list but who fails to timely file is  
11 assessed a fine of \$25 per day for each day late up to a  
12 maximum of \$1,500; however this \$1,500 limitation on automatic  
13 finest does not limit the civil penalty that may be imposed if  
14 the statement is filed more than 60 days after the deadline  
15 and a complaint is filed, as provided in s. 112.324. The  
16 commission must provide by rule the grounds for waiving the  
17 fine and the procedures by which each person whose name is on  
18 the mailing list and who is determined to have not filed in a  
19 timely manner will be notified of assessed fines and may  
20 appeal. The rule must provide for and make specific the  
21 following:

22 1. The amount of the fine due is based upon the  
23 earliest of the following:

24 a. When a statement is actually received by the  
25 office.

26 b. When the statement is postmarked.

27 c. When the certificate of mailing is dated.

28 d. When the receipt from an established courier  
29 company is dated.

30 2. Upon receipt of the disclosure statement or upon  
31 accrual of the maximum penalty, whichever occurs first, the

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

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

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

28 (g)(f) The notification requirements and fines of this  
29 subsection do not apply to candidates or to the first filing  
30 required of any person appointed to elective constitutional  
31 office or other position required to file full and public

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1 disclosure, unless the person's name is on the commission's  
2 notification list and the person received notification from  
3 the commission. The appointing official shall notify such  
4 newly appointed person of the obligation to file full and  
5 public disclosure by July 1. The notification requirements and  
6 finances of this subsection do not apply to the final filing  
7 provided for in subsection (5).

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

17 (5) Each person required to file full and public  
18 disclosure of financial interests shall file a final  
19 disclosure statement within 60 days after leaving his or her  
20 public position for the period between January 1 of the year  
21 in which the person leaves and the last day of office or  
22 employment, unless within the 60-day period the person takes  
23 another public position requiring financial disclosure under  
24 s. 8 of Art. II of the State Constitution, or is otherwise  
25 required to file full and public disclosure for the final  
26 disclosure period. The head of the agency of each person  
27 required to file full and public disclosure for the final  
28 disclosure period shall notify such persons of their  
29 obligation to file the final disclosure and may designate a  
30 person to be responsible for the notification requirements of  
31 this subsection.

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

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

15           112.3145 Disclosure of financial interests and clients  
16 represented before agencies.--

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

19           (a) "Local officer" means:

20           1. Every person who is elected to office in any  
21 political subdivision of the state, and every person who is  
22 appointed to fill a vacancy for an unexpired term in such an  
23 elective office.

24           2. Any appointed member of any of the following  
25 boards, councils, commissions, authorities, or other bodies of  
26 any county, municipality, school district, independent special  
27 district, or other political subdivision of the state:

28           a. The governing body of the political subdivision, if  
29 appointed;

30           b. An expressway authority or transportation authority  
31 established by general law;

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1           c. A community college or junior college district  
2 board of trustees;

3           d. A board having the power to enforce local code  
4 provisions;

5           e. A planning or zoning board, board of adjustment,  
6 board of appeals, or other board having the power to  
7 recommend, create, or modify land planning or zoning within  
8 the political subdivision, except for citizen advisory  
9 committees, technical coordinating committees, and such other  
10 groups who only have the power to make recommendations to  
11 planning or zoning boards;

12           f. A pension board or retirement board having the  
13 power to invest pension or retirement funds or the power to  
14 make a binding determination of one's entitlement to or amount  
15 of a pension or other retirement benefit; or

16           g. Any other appointed member of a local government  
17 board who is required to file a statement of financial  
18 interests by the appointing authority or the enabling  
19 legislation, ordinance, or resolution creating the board.~~a~~  
20 ~~board; commission; authority, including any expressway~~  
21 ~~authority or transportation authority established by general~~  
22 ~~law; community college district board of trustees; or council~~  
23 ~~of any political subdivision of the state, excluding any~~  
24 ~~member of an advisory body. A governmental body with~~  
25 ~~land-planning, zoning, or natural resources responsibilities~~  
26 ~~shall not be considered an advisory body.~~

27           3. Any person holding one or more of the following  
28 positions: mayor; county or city manager; chief administrative  
29 employee of a county, municipality, or other political  
30 subdivision; county or municipal attorney; chief county or  
31 municipal building inspector; county or municipal water

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1 resources coordinator; county or municipal pollution control  
2 director; county or municipal environmental control director;  
3 county or municipal administrator, with power to grant or deny  
4 a land development permit; chief of police; fire chief;  
5 municipal clerk; district school superintendent; community  
6 college president; district medical examiner; or purchasing  
7 agent having the authority to make any purchase exceeding the  
8 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
9 on behalf of any political subdivision of the state or any  
10 entity thereof.

11 (b) "Specified state employee" means:

12 1. Public counsel created by chapter 350, an assistant  
13 state attorney, an assistant public defender, a full-time  
14 state employee who serves as counsel or assistant counsel to  
15 any state agency, a judge of compensation claims, an  
16 administrative law judge, or a hearing officer.

17 2. Any person employed in the office of the Governor  
18 or in the office of any member of the Cabinet if that person  
19 is exempt from the Career Service System, except persons  
20 employed in clerical, secretarial, or similar positions.

21 3. Each appointed secretary, assistant secretary,  
22 deputy secretary, executive director, assistant executive  
23 director, or deputy executive director of each state  
24 department, commission, board, or council; unless otherwise  
25 provided, the division director, assistant division director,  
26 deputy director, bureau chief, and assistant bureau chief of  
27 any state department or division; or any person having the  
28 power normally conferred upon such persons, by whatever title.

29 4. The superintendent or institute director of a state  
30 mental health institute established for training and research  
31 in the mental health field or the superintendent or director

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1 of any major state institution or facility established for  
2 corrections, training, treatment, or rehabilitation.

3 5. Business managers, purchasing agents having the  
4 power to make any purchase exceeding the threshold amount  
5 provided for in s. 287.017 for CATEGORY ONE, finance and  
6 accounting directors, personnel officers, or grants  
7 coordinators for any state agency.

8 6. Any person, other than a legislative assistant  
9 exempted by the presiding officer of the house by which the  
10 legislative assistant is employed, who is employed in the  
11 legislative branch of government, except persons employed in  
12 maintenance, clerical, secretarial, or similar positions.

13 7. Each employee of the Commission on Ethics.

14 (c) "State officer" means:

15 1. Any elected public officer, excluding those elected  
16 to the United States Senate and House of Representatives, not  
17 covered elsewhere in this part and any person who is appointed  
18 to fill a vacancy for an unexpired term in such an elective  
19 office.

20 2. An appointed member of each board, commission,  
21 authority, or council having statewide jurisdiction, excluding  
22 a member of an advisory body.

23 3. A member of the Board of Regents, the Chancellor  
24 and Vice Chancellors of the State University System, and the  
25 president of a state university.

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

30 (b) Each state or local officer and each specified  
31 state employee shall file a statement of financial interests

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1 no later than July 1 of each year. Each state officer, local  
2 officer, and specified state employee shall file a final  
3 statement of financial interests within 60 days after leaving  
4 his or her public position for the period between January 1 of  
5 the year in which the person leaves and the last day of office  
6 or employment, unless within the 60-day period the person  
7 takes another public position requiring financial disclosure  
8 under this section or s. 8, Art. II of the State Constitution  
9 or otherwise is required to file full and public disclosure or  
10 a statement of financial interests for the final disclosure  
11 period. Each state or local officer who is appointed and each  
12 specified state employee who is employed shall file a  
13 statement of financial interests within 30 days from the date  
14 of appointment or, in the case of a specified state employee,  
15 from the date on which the employment begins, except that any  
16 person whose appointment is subject to confirmation by the  
17 Senate shall file prior to confirmation hearings or within 30  
18 days from the date of appointment, whichever comes first.

19 (c) State officers, ~~persons qualifying for a state~~  
20 ~~office,~~ and specified state employees shall file their  
21 statements of financial interests with the Commission on  
22 Ethics Secretary of State. Local officers shall file their  
23 statements of financial interests with the supervisor of  
24 elections of the county in which they permanently reside.  
25 Local officers who do not permanently reside in any county in  
26 the state shall file their statements of financial interests  
27 with the supervisor of elections of the county in which their  
28 agency maintains its headquarters. Persons seeking to qualify  
29 as candidates for local public office shall file their  
30 statements of financial interests with the officer before whom  
31 they qualify.

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1           (3) The statement of financial interests for state  
2 officers, specified state employees, local officers, and  
3 persons seeking to qualify as candidates for state or local  
4 office shall be filed even if the reporting person holds no  
5 financial interests requiring disclosure, in which case the  
6 statement shall be marked "not applicable." Otherwise, the  
7 statement of financial interests shall include, at the filer's  
8 option, either:

9           (a)1. All sources of income in excess of 5 percent of  
10 the gross income received during the disclosure period by the  
11 person in his or her own name or by any other person for his  
12 or her use or benefit, excluding public salary. However, this  
13 shall not be construed to require disclosure of a business  
14 partner's sources of income. The person reporting shall list  
15 such sources in descending order of value with the largest  
16 source first;-

17           2.~~(b)~~ All sources of income to a business entity in  
18 excess of 10 percent of the gross income of a business entity  
19 in which the reporting person held a material interest and  
20 from which he or she received an amount which was in excess of  
21 10 percent of his or her gross income during the disclosure  
22 period and which exceeds \$1,500. The period for computing the  
23 gross income of the business entity is the fiscal year of the  
24 business entity which ended on, or immediately prior to, the  
25 end of the disclosure period of the person reporting;-

26           3.~~(c)~~ The location or description of real property in  
27 this state, except for residences and vacation homes, owned  
28 directly or indirectly by the person reporting, when such  
29 person owns in excess of 5 percent of the value of such real  
30 property, and a general description of any intangible personal  
31 property worth in excess of 10 percent of such person's total

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1 assets. For the purposes of this paragraph, indirect  
2 ownership does not include ownership by a spouse or minor  
3 child; and-

4 4.(d) Every individual liability that which in sum  
5 equals more than the reporting person's net worth; or-

6 (b)1. All sources of gross income in excess of \$2,500  
7 received during the disclosure period by the person in his or  
8 her own name or by any other person for his or her use or  
9 benefit, excluding public salary. However, this shall not be  
10 construed to require disclosure of a business partner's  
11 sources of income. The person reporting shall list such  
12 sources in descending order of value with the largest source  
13 first;

14 2. All sources of income to a business entity in  
15 excess of 10 percent of the gross income of a business entity  
16 in which the reporting person held a material interest and  
17 from which he or she received gross income exceeding \$5,000  
18 during the disclosure period. The period for computing the  
19 gross income of the business entity is the fiscal year of the  
20 business entity which ended on, or immediately prior to, the  
21 end of the disclosure period of the person reporting;

22 3. The location or description of real property in  
23 this state, except for residence and vacation homes, owned  
24 directly or indirectly by the person reporting, when such  
25 person owns in excess of 5 percent of the value of such real  
26 property, and a general description of any intangible personal  
27 property worth in excess of \$10,000. For the purpose of this  
28 paragraph, indirect ownership does not include ownership by a  
29 spouse or minor child; and

30 4. Every liability in excess of \$10,000.

31 (4) Each elected constitutional officer, state

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

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1 consideration, or a certificate of public convenience and  
2 necessity.

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

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

29 (a)1. Not later than May 1 of each year, the  
30 ~~commission on Ethics~~ shall prepare a current list of the names  
31 and addresses of, and the offices or positions held by, every

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

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

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

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

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

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

22 (e) Statements must be filed not later than 5 p.m. of  
23 the due date. However, any statement that is postmarked by the  
24 United States Postal Service by midnight of the due date is  
25 deemed to have been filed in a timely manner, and a  
26 certificate of mailing obtained from and dated by the United  
27 States Postal Service at the time of the mailing, or a receipt  
28 from an established courier company which bears a date on or  
29 before the due date, constitutes proof of mailing in a timely  
30 manner.

31 (f) Any person who is required to file a statement of

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1 financial interests and whose name is on the commission's  
2 mailing list but who fails to timely file is assessed a fine  
3 of \$25 per day for each day late up to a maximum of \$1,500;  
4 however, this \$1,500 limitation on automatic fines does not  
5 limit the civil penalty that may be imposed if the statement  
6 is filed more than 60 days after the deadline and a complaint  
7 is filed, as provided in s. 112.324. The commission must  
8 provide by rule the grounds for waiving the fine and  
9 procedures by which each person whose name is on the mailing  
10 list and who is determined to have not filed in a timely  
11 manner will be notified of assessed fines and may appeal. The  
12 rule must provide for and make specific 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 must include an explanation of  
29 the appeal procedure under subparagraph 3. The fine must be  
30 paid within 30 days after the notice of payment due is  
31 transmitted, unless appeal is made to the commission pursuant

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1 to subparagraph 3. The moneys are to 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 is  
6 entitled to a hearing before the commission, which may waive  
7 the fine in whole or in part for good cause shown. Any such  
8 request must be made within 30 days after the notice of  
9 payment due is transmitted. In such a case, the reporting  
10 person must, within the 30-day period, notify the person  
11 designated to review the timeliness of reports in writing of  
12 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 an annual statement of financial interests  
17 provided to the Secretary of State or supervisor of elections  
18 is not subject to the penalties provided in s. 112.317 or the  
19 fine 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 is required to file the  
22 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 which is not waived by  
29 final order of the commission and which remains unpaid more  
30 than 60 days after the notice of payment due or more than 60  
31 days after the commission renders a final order on the appeal

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

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

17 (b) The agency head of the agency of each local  
18 officer, state officer, or specified state employee who is  
19 required to file a statement of financial interests for the  
20 final disclosure period shall notify such persons of their  
21 obligation to file the final disclosure and may designate a  
22 person to be responsible for the notification requirements of  
23 this paragraph.

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

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

13           Section 4. Section 112.3148, Florida Statutes, is  
14 amended to read:

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

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

21           (2) As used in this section:

22           (a) "Immediate family" means any parent, spouse,  
23 child, or sibling.

24           (b)1. "Lobbyist" means any natural person who, for  
25 compensation, seeks, or sought during the preceding 12 months,  
26 to influence the governmental decisionmaking of a reporting  
27 individual or procurement employee or his or her agency or  
28 seeks, or sought during the preceding 12 months, to encourage  
29 the passage, defeat, or modification of any proposal or  
30 recommendation by the reporting individual or procurement  
31 employee or his or her agency.

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1           2. With respect to an agency that has established by  
2 rule, ordinance, or law a registration process for persons  
3 seeking to influence decisionmaking or to encourage the  
4 passage, defeat, or modification of any proposal or  
5 recommendation by such agency or an employee or official of  
6 the agency, the term "lobbyist" includes only a person who is  
7 required to be registered as a lobbyist in accordance with  
8 such rule, ordinance, or law or who was during the preceding  
9 12 months required to be registered as a lobbyist in  
10 accordance with such rule, ordinance, or law. At a minimum,  
11 such a registration system must require the registration of,  
12 or must designate, persons as "lobbyists" who engage in the  
13 same activities as require registration to lobby the  
14 Legislature pursuant to s. 11.045.

15           (c) "Person" includes individuals, firms,  
16 associations, joint ventures, partnerships, estates, trusts,  
17 business trusts, syndicates, fiduciaries, corporations, and  
18 all other groups or combinations.

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

31           (e) "Procurement employee" means any employee of an

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1 officer, department, board, commission, or council of the  
2 executive branch or judicial branch of state government who  
3 participates through decision, approval, disapproval,  
4 recommendation, preparation of any part of a purchase request,  
5 influencing the content of any specification or procurement  
6 standard, rendering of advice, investigation, or auditing or  
7 in any other advisory capacity in the procurement of  
8 contractual services or commodities as defined in s. 287.012,  
9 if the cost of such services or commodities exceeds \$1,000 in  
10 any year.

11 (3) A reporting individual or procurement employee is  
12 prohibited from soliciting any gift from a political committee  
13 or committee of continuous existence, as defined in s.  
14 106.011, or from a lobbyist who lobbies the reporting  
15 individual's or procurement employee's agency, or the partner,  
16 firm, employer, or principal of such lobbyist, where such gift  
17 is for the personal benefit of the reporting individual or  
18 procurement employee, another reporting individual or  
19 procurement employee, or any member of the immediate family of  
20 a reporting individual or procurement employee.

21 (4) A reporting individual or procurement employee or  
22 any other person on his or her behalf is prohibited from  
23 knowingly accepting, directly or indirectly, a gift from a  
24 political committee or committee of continuous existence, as  
25 defined in s. 106.011, or from a lobbyist who lobbies the  
26 reporting individual's or procurement employee's agency, or  
27 directly or indirectly on behalf of the partner, firm,  
28 employer, or principal of a lobbyist, if he or she knows or  
29 reasonably believes that the gift has a value in excess of  
30 \$100; however, such a gift may be accepted by such person on  
31 behalf of a governmental entity or a charitable organization.

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1 If the gift is accepted on behalf of a governmental entity or  
2 charitable organization, the person receiving the gift shall  
3 not maintain custody of the gift for any period of time beyond  
4 that reasonably necessary to arrange for the transfer of  
5 custody and ownership of the gift.

6 (5)(a) A political committee or a committee of  
7 continuous existence, as defined in s. 106.011; a lobbyist who  
8 lobbies a reporting individual's or procurement employee's  
9 agency; the partner, firm, employer, or principal of a  
10 lobbyist; or another on behalf of the lobbyist or partner,  
11 firm, principal, or employer of the lobbyist is prohibited  
12 from giving, either directly or indirectly, a gift that has a  
13 value in excess of \$100 to the reporting individual or  
14 procurement employee or any other person on his or her behalf;  
15 however, such person may give a gift having a value in excess  
16 of \$100 to a reporting individual or procurement employee if  
17 the gift is intended to be transferred to a governmental  
18 entity or a charitable organization.

19 (b) However, a person who is regulated by this  
20 subsection, who is not regulated by subsection (6), and who  
21 makes, or directs another to make, an individual gift having a  
22 value in excess of \$25, but not in excess of \$100, other than  
23 a gift which the donor knows will be accepted on behalf of a  
24 governmental entity or charitable organization, must file a  
25 report on the last day of each calendar quarter, for the  
26 previous calendar quarter in which a reportable gift is made.  
27 The report shall be filed with the Commission on Ethics  
28 ~~Secretary of State~~, except with respect to gifts to reporting  
29 individuals of the legislative branch, in which case the  
30 report shall be filed with the Division of Legislative  
31 Information Services in the Office of Legislative Services.

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1 The report must contain a description of each gift, the  
2 monetary value thereof, the name and address of the person  
3 making such gift, the name and address of the recipient of the  
4 gift, and the date such gift is given. In addition, when a  
5 gift is made which requires the filing of a report under this  
6 subsection, the donor must notify the intended recipient at  
7 the time the gift is made that the donor, or another on his or  
8 her behalf, will report the gift under this subsection. Under  
9 this paragraph, a gift need not be reported by more than one  
10 person or entity.

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

25 (b) Notwithstanding the provisions of subsection (4),  
26 a reporting individual or procurement employee may accept a  
27 gift having a value in excess of \$100 from an entity of the  
28 legislative or judicial branch, a department or commission of  
29 the executive branch, a water management district created  
30 pursuant to s. 373.069, Tri-County Commuter Rail Authority,  
31 the Technological Research and Development Authority, a

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1 county, a municipality, an airport authority, or a school  
2 board if a public purpose can be shown for the gift; and a  
3 reporting individual or procurement employee who is an officer  
4 or employee of a governmental entity supported by a  
5 direct-support organization specifically authorized by law to  
6 support such governmental entity may accept such a gift from  
7 such direct-support organization.

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

27 (d) No later than July 1 of each year, each reporting  
28 individual or procurement employee shall file a statement  
29 listing each gift having a value in excess of \$100 received by  
30 the reporting individual or procurement employee, either  
31 directly or indirectly, from a governmental entity or a

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1 direct-support organization specifically authorized by law to  
2 support a governmental entity. The statement shall list the  
3 name of the person providing the gift, a description of the  
4 gift, the date or dates on which the gift was given, and the  
5 value of the total gifts given during the calendar year for  
6 which the report is made. The reporting individual or  
7 procurement employee shall attach to such statement any report  
8 received by him or her in accordance with paragraph (c), which  
9 report shall become a public record when filed with the  
10 statement of the reporting individual or procurement employee.  
11 The reporting individual or procurement employee may explain  
12 any differences between the report of the reporting individual  
13 or procurement employee and the attached reports. The annual  
14 report filed by a reporting individual shall be filed with the  
15 financial disclosure statement required by either s. 8, Art.  
16 II of the State Constitution or s. 112.3145, as applicable to  
17 the reporting individual. The annual report filed by a  
18 procurement employee shall be filed with the Commission on  
19 Ethics ~~Department of State~~.

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

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1           (b) Compensation provided by the donee to the donor,  
2 if provided within 90 days after receipt of the gift, shall be  
3 deducted from the value of the gift in determining the value  
4 of the gift.

5           (c) If the actual gift value attributable to  
6 individual participants at an event cannot be determined, the  
7 total costs shall be prorated among all invited persons,  
8 whether or not they are reporting individuals or procurement  
9 employees.

10           (d) Transportation shall be valued on a round-trip  
11 basis unless only one-way transportation is provided.  
12 Round-trip transportation expenses shall be considered a  
13 single gift. Transportation provided in a private conveyance  
14 shall be given the same value as transportation provided in a  
15 comparable commercial conveyance.

16           (e) Lodging provided on consecutive days shall be  
17 considered a single gift. Lodging in a private residence  
18 shall be valued at the per diem rate provided in s.  
19 112.061(6)(a)1. less the meal allowance rate provided in s.  
20 112.061(6)(b).

21           (f) Food and beverages which are not consumed at a  
22 single sitting or meal and which are provided on the same  
23 calendar day shall be considered a single gift, and the total  
24 value of all food and beverages provided on that date shall be  
25 considered the value of the gift. Food and beverage consumed  
26 at a single sitting or meal shall be considered a single gift  
27 and the value of the food and beverage provided at that  
28 sitting or meal shall be considered the value of the gift.

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

31           (h) Entrance fees, admission fees, or tickets shall be

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1 valued on the face value of the ticket or fee, or on a daily  
2 or per event basis, whichever is greater.

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

5 (j) The value of a gift provided to several  
6 individuals may be attributed on a pro rata basis among all of  
7 the individuals. If the gift is food, beverage, entertainment,  
8 or similar items, provided at a function for more than 10  
9 people, the value of the gift to each individual shall be the  
10 total value of the items provided divided by the number of  
11 persons invited to the function, unless the items are  
12 purchased on a per person basis, in which case the value of  
13 the gift to each person is the per person cost.

14 (k) The value of a gift of an admission ticket shall  
15 not include that portion of the cost which represents a  
16 charitable contribution, if the gift is provided by the  
17 charitable organization.

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

- 27 1. Gifts from relatives.
- 28 2. Gifts prohibited by subsection (4) or s.  
29 112.313(4).
- 30 3. Gifts otherwise required to be disclosed by this  
31 section.

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- 1           (b) The statement shall include:
- 2           1. A description of the gift, the monetary value of
- 3 the gift, the name and address of the person making the gift,
- 4 and the dates thereof. If any of these facts, other than the
- 5 gift description, are unknown or not applicable, the report
- 6 shall so state.
- 7           2. A copy of any receipt for such gift provided to the
- 8 reporting individual or procurement employee by the donor.
- 9           (c) The statement may include an explanation of any
- 10 differences between the reporting individual's or procurement
- 11 employee's statement and the receipt provided by the donor.
- 12           (d) The reporting individual's or procurement
- 13 employee's statement shall be sworn to by such person as being
- 14 a true, accurate, and total listing of all such gifts.
- 15           (e) If a reporting individual or procurement employee
- 16 has not received any gifts described in paragraph (a) during a
- 17 calendar quarter, he or she is not required to file a
- 18 statement under this subsection for that calendar quarter.
- 19           (9) A person, other than a lobbyist regulated under s.
- 20 11.045, who violates the provisions of subsection (5) commits
- 21 a noncriminal infraction, punishable by a fine of not more
- 22 than \$5,000 and by a prohibition on lobbying, or employing a
- 23 lobbyist to lobby, before the agency of the reporting
- 24 individual or procurement employee to which the gift was given
- 25 in violation of subsection (5), for a period of not more than
- 26 24 months. The state attorney, or an agency, if otherwise
- 27 authorized, may initiate an action to impose or recover a fine
- 28 authorized under this section or to impose or enforce a
- 29 limitation on lobbying provided in this section.
- 30           (10) A member of the Legislature may request an
- 31 advisory opinion from the general counsel of the house of

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1 which he or she is a member as to the application of this  
2 section to a specific situation. The general counsel shall  
3 issue the opinion within 10 days after receiving the request.  
4 The member of the Legislature may reasonably rely on such  
5 opinion.

6 Section 5. Subsection (6) of section 112.3149, Florida  
7 Statutes, is amended to read:

8 112.3149 Solicitation and disclosure of honoraria.--

9 (6) A reporting individual or procurement employee who  
10 receives payment or provision of expenses related to any  
11 honorarium event from a person who is prohibited by subsection  
12 (4) from paying an honorarium to a reporting individual or  
13 procurement employee shall publicly disclose on an annual  
14 statement the name, address, and affiliation of the person  
15 paying or providing the expenses; the amount of the honorarium  
16 expenses; the date of the honorarium event; a description of  
17 the expenses paid or provided on each day of the honorarium  
18 event; and the total value of the expenses provided to the  
19 reporting individual or procurement employee in connection  
20 with the honorarium event. The annual statement of honorarium  
21 expenses shall be filed by July 1 of each year for such  
22 expenses received during the previous calendar year. The  
23 reporting individual or procurement employee shall attach to  
24 the annual statement a copy of each statement received by him  
25 or her in accordance with subsection (5) regarding honorarium  
26 expenses paid or provided during the calendar year for which  
27 the annual statement is filed. Such attached statement shall  
28 become a public record upon the filing of the annual report.  
29 The annual statement of a reporting individual shall be filed  
30 with the financial disclosure statement required by either s.  
31 8, Art. II of the State Constitution or s. 112.3145, as

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1 applicable to the reporting individual. The annual statement  
2 of a procurement employee shall be filed with the Commission  
3 on Ethics ~~Department of State~~.

4 Section 6. Subsection (1) of section 112.321, Florida  
5 Statutes, is amended to read:

6 112.321 Membership, terms; travel expenses; staff.--

7 (1) The commission shall be composed of nine members.  
8 Five of these members shall be appointed by the Governor, no  
9 more than three of whom shall be from the same political  
10 party, subject to confirmation by the Senate. One member  
11 appointed by the Governor shall be a former city or county  
12 official and may be a former member of a local planning or  
13 zoning board which has only advisory duties. Two members  
14 shall be appointed by the Speaker of the House of  
15 Representatives, and two members shall be appointed by the  
16 President of the Senate. Neither the Speaker of the House of  
17 Representatives nor the President of the Senate shall appoint  
18 more than one member from the same political party. Of the  
19 nine members of the Commission, no more than five members  
20 shall be from the same political party at any one time.No

21 member may hold any public employment. All members shall  
22 serve 2-year terms. No member shall serve more than two full  
23 terms in succession. Any member of the commission may be  
24 removed for cause by majority vote of the Governor, the  
25 President of the Senate, the Speaker of the House of  
26 Representatives, and the Chief Justice of the Supreme Court.

27 Section 7. Subsection (9) of section 112.322, Florida  
28 Statutes, is repealed.

29 Section 8. Subsection (6) of section 440.442, Florida  
30 Statutes, is amended to read:

31 440.442 Code of Judicial Conduct.--The Chief Judge,

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

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

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

20 1. Compensation: Compensation should not exceed a  
21 reasonable amount nor should it exceed what a person who is  
22 not a judge would receive for the same activity.

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

28 (b) Public financial reporting.--

29 1. Income and assets: A judge shall file such public  
30 reports as may be required by law for all public officials to  
31 comply fully with the provisions of s. 8, Art. II of the State

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1 Constitution. The form for public financial disclosure shall  
2 be that recommended or adopted by the Florida Commission on  
3 Ethics for use by all public officials. The form shall be  
4 filed in the office of the Commission on Ethics ~~Secretary of~~  
5 ~~State~~ on the date prescribed by law.

6           2. Gifts: A judge shall file a public report of all  
7 gifts which are required to be disclosed under Canon 5D(5)(h)  
8 and Canon 6B(2)s. 112 [Canon 5C(4)(c)] of the Code of Judicial  
9 Conduct}. The report of gifts received in the preceding  
10 calendar year shall be filed in the office of the Commission  
11 on Ethics ~~Secretary of State~~ on or before July 1 of each year.

12           Section 9. Sections 839.08, 839.09, 839.091, and  
13 839.10, Florida Statutes, are repealed.

14           Section 10. Section 112.3232, Florida Statutes, is  
15 created to read:

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

28           Section 11. The provisions of this act requiring a  
29 person to file a final disclosure statement within 60 days  
30 after leaving his or her public position, including the  
31 notification requirements relating to final filings, apply to

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1 persons leaving office or employment on or after the date this  
2 act becomes a law.

3 Section 12. Section 112.3147, Florida Statutes, is  
4 amended to read:

5 112.3147 Forms.--

6 (1) All information required to be furnished by ss.  
7 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149  
8 and by s. 8, Art. II of the State Constitution shall be on  
9 forms prescribed by the Commission on Ethics.

10 (2)(a) With respect to reporting assets valued in  
11 excess of \$1,000 on forms prescribed pursuant to s. 112.3144  
12 which the reporting individual holds jointly with another  
13 person, the amount reported shall be based on the reporting  
14 individual's legal percentage of ownership in the property,  
15 except that assets held jointly with the reporting  
16 individual's spouse shall be reported at 100 percent of the  
17 value of the asset. For purposes of this subsection, a  
18 reporting individual is deemed to own an interest in a  
19 partnership which corresponds to the reporting individual's  
20 interest in the capital or equity of the partnership.

21 (2)(b)1. With respect to reporting liabilities valued  
22 in excess of \$1,000 on forms prescribed pursuant to s.  
23 112.3144 for which the reporting individual is jointly and  
24 severally liable, the amount reported shall be based upon the  
25 reporting individual's percentage of liability rather than the  
26 total amount of the liability, except, a joint and several  
27 liability with the reporting individual's spouse for a debt  
28 which relates to property owned by both as tenants by the  
29 entirety shall be reported at 100 percent of the total amount  
30 owed.

31 2. A separate section of the form shall be created to

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1 provide for the reporting of the amounts of joint and several  
2 liability of the reporting individual not otherwise reported  
3 in paragraph (a).

4 Section 13. The Commission on Ethics is directed to  
5 develop a plan to implement a course of study regarding the  
6 requirements of the Sunshine Amendment and Code of Ethics for  
7 Public Officers and Employees in chapter 119, the public  
8 records law of chapter 119, the public meetings law in chapter  
9 286 and chapter 838, for each elected public officer and each  
10 person appointed to hold elective public office. The  
11 Commission is further directed to submit to the President of  
12 the Senate, and the Speaker of the House of Representatives,  
13 by the 2001 Legislative Session, a report outlining the  
14 implementation of a course of study which shall include the  
15 cost estimates for developing, implementing and sustaining the  
16 course of study set forth herein.

17 Section 14. This act shall take effect January 1,  
18 2001.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 57, line 2 through page 61, line 1 of the  
24 amendment

25 remove: all of said lines

26

27 and insert:

28

A bill to be entitled

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An act relating to ethics; amending s. 112.312,

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F.S.; redefining the terms "gift" and

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"liability"; amending s. 112.3144, F.S.;

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

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1 for a fee; requiring the Commission on Ethics  
2 to adopt rules and forms relating to amended  
3 financial disclosure filings; amending s.  
4 112.3148, F.S.; redefining the term "reporting  
5 individual"; establishing a reimbursement  
6 deadline with regard to the valuation of gifts  
7 received by reporting individuals; clarifying  
8 that the gifts law applies to candidates;  
9 extending the gifts law to include  
10 nonincumbents elected to office for the period  
11 immediately following election but before  
12 officially taking office; transferring the  
13 filing administration for gift disclosure from  
14 the Secretary of State to the Commission on  
15 Ethics; authorizing the Technological Research  
16 and Development Authority to make certain gifts  
17 under certain circumstances; amending s.  
18 112.3149, F.S.; transferring filing  
19 administration for honoraria disclosure from  
20 the Department of State to the Commission on  
21 Ethics; amending s. 112.321, F.S.; regarding  
22 membership of the Ethics Commission;  
23 repealing s. 112.322(9), F.S., which requires  
24 the Commission on Ethics to report certain  
25 delinquent financial disclosure filers to the  
26 Department of Community Affairs; amending s.  
27 440.442, F.S.; transferring the filing location  
28 for public financial reporting by judges of  
29 compensation claims from the Secretary of State  
30 to the Commission on Ethics; clarifying that  
31 the Code of Judicial Conduct governs the

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1 reporting of gifts for judges of compensation  
2 claims; repealing ss. 839.08, 839.09, 839.091,  
3 and 839.10, F.S., which provide criminal  
4 penalties for offenses by public officers and  
5 employees relating to the purchase of supplies  
6 or materials and the bidding for public work;  
7 creating s. 112.3232, F.S.; authorizing the  
8 Commission on Ethics to seek immunity for  
9 certain witnesses; amending s. 112.3147, F.S.;  
10 authorizing the Commission on Ethics to  
11 prescribe forms relating to full and public  
12 financial disclosure; prescribing requirements  
13 for reporting certain assets and liabilities on  
14 the full and public disclosure form; providing  
15 for a report by the Commission on Ethics on the  
16 implementation of educational requirements for  
17 public officials; appropriating funds to the  
18 Commission on Ethics; providing an effective  
19 date.

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