

Bill No. CS/CS/HB 181

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Saunders moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (12) and (14) of section		
18	112.312, Florida Statutes, are amended to read:		
19	112.312 Definitions.--As used in this part and for		
20	purposes of the provisions of s. 8, Art. II of the State		
21	Constitution, unless the context otherwise requires:		
22	(12)(a) "Gift," for purposes of ethics in government		
23	and financial disclosure required by law, means that which is		
24	accepted by a donee or by another on the donee's behalf, or		
25	that which is paid or given to another for or on behalf of a		
26	donee, directly, indirectly, or in trust for the donee's		
27	benefit or by any other means, for which equal or greater		
28	consideration is not given <u>within 90 days</u> , including:		
29	1. Real property.		
30	2. The use of real property.		
31	3. Tangible or intangible personal property.		

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

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1 chapter 106, campaign-related personal services provided
2 without compensation by individuals volunteering their time,
3 or any other contribution or expenditure by a political party.

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

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

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

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

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

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

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

28 (d) For the purposes of paragraph (a), the term
29 "consideration" does not include a promise to pay or otherwise
30 provide something of value unless the promise is in writing
31 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, entity, or
3 governmental entity, except for credit card and retail
4 installment accounts, taxes owed unless reduced to a judgment,
5 indebtedness on a life insurance policy owed to the company of
6 issuance, contingent liabilities, or accrued income taxes on
7 net unrealized appreciation. Each liability which is required
8 to be disclosed by s. 8, Art. II of the State Constitution
9 shall identify the name and address of the creditor.

10 Section 2. Subsections (8) and (14) of section
11 112.313, Florida Statutes, are amended to read:

12 112.313 Standards of conduct for public officers,
13 employees of agencies, and local government attorneys.--

14 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A
15 current or former ~~No~~ public officer, employee of an agency, or
16 local government attorney may not ~~shall~~ disclose or use
17 information unavailable ~~not available~~ to ~~members of the~~
18 ~~general~~ public and gained by reason of his or her official
19 position, except for information relating exclusively to
20 governmental practices or procedures, for his or her personal
21 gain or benefit or for the personal gain or benefit of any
22 other person or business entity.

23 (14) LOBBYING BY FORMER LOCAL OFFICERS;
24 PROHIBITION.--A person who has been elected to any county,
25 municipal, special district, or school district office may not
26 personally represent another person or entity for compensation
27 before the government ~~governing~~ body or agency of which the
28 person was an officer for a period of 2 years after vacating
29 that office. The provisions of this subsection shall not apply
30 to elected officers holding office as of October 1, 1992,
31 until after their next election, and shall not apply to

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1 elected officers of school districts holding office on January
2 1, 1995, until after their next election.

3 Section 3. Section 112.3144, Florida Statutes, is
4 amended to read:

5 112.3144 Full and public disclosure of financial
6 interests.--

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

12 (2)~~(1)~~ A ~~No~~ person who is required, pursuant to s. 8,
13 Art. II of the State Constitution, to file a full and public
14 disclosure of financial interests and who has filed a full and
15 public disclosure of financial interests for any calendar or
16 fiscal year shall not be required to file a statement of
17 financial interests pursuant to s. 112.3145(2) and (3) for the
18 same year or for any part thereof notwithstanding any
19 requirement of this part, except that a candidate for office
20 shall file a copy of his or her disclosure with the officer
21 before whom he or she qualifies.

22 (3)~~(2)~~ For purposes of full and public disclosure
23 under s. 8(a), Art. II of the State Constitution, the
24 following items, if not held for investment purposes and if
25 valued at over \$1,000 in the aggregate, may be reported in a
26 lump sum and identified as "household goods and personal
27 effects":

28 (a) Jewelry;

29 (b) Collections of stamps, guns, and numismatic
30 properties;

31 (c) Art objects;

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- 1 (d) Household equipment and furnishings;
2 (e) Clothing;
3 (f) Other household items; and
4 (g) Vehicles for personal use.

5 ~~(4)(3)~~ Forms for compliance with the full and public
6 disclosure requirements of s. 8, Art. II of the State
7 Constitution, ~~and a current list of persons required to file~~
8 ~~full and public disclosure by s. 8, Art. II of the State~~
9 ~~Constitution, or other state law, shall be created~~ provided by
10 the Commission on Ethics. ~~The commission to the Secretary of~~
11 ~~State, who~~ shall give notice of disclosure deadlines and
12 delinquencies and distribute forms in the following manner:

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

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

28 (c) Not later than 30 days after July 1 of each year,
29 the ~~commission Secretary of State~~ shall determine which
30 persons on the mailing list have failed to file full and
31 public disclosure and shall send delinquency notices by

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1 certified mail to such persons. Each notice must ~~shall~~ state
2 that a grace period is in effect until September 1 of the
3 current year and that, if the statement is not filed by
4 September 1 of the current year, a \$25 fine for each day late
5 will be imposed, up to a maximum penalty of \$1,500; and that,
6 if upon the filing of a sworn complaint the commission finds
7 that the person has failed to timely file the statement within
8 60 days after September 1 of the current year, such person
9 will also be subject to the penalties provided in s. 112.317
10 ~~the Secretary of State is required by law to notify the~~
11 ~~Commission on Ethics of the delinquency.~~

12 (d) Statements must be filed not later than 5 p.m. of
13 the due date. However, any statement that is postmarked by the
14 United States Postal Service by midnight of the due date is
15 deemed to have been filed in a timely manner, and a
16 certificate of mailing obtained from and dated by the United
17 States Postal Service at the time of the mailing, or a receipt
18 from an established courier company which bears a date on or
19 before the due date, constitutes proof of mailing in a timely
20 manner.

21 ~~(d) Not later than 30 days following September 1 of~~
22 ~~each year, the Secretary of State shall certify to the~~
23 ~~Commission on Ethics a list of the names and addresses of and~~
24 ~~the offices held by all persons on the mailing list who have~~
25 ~~failed to timely file full and public disclosure. The~~
26 ~~certification shall be on a form prescribed by the commission~~
27 ~~and shall indicate whether the Secretary of State has provided~~
28 ~~the disclosure forms and notice as required by this section to~~
29 ~~all persons named on the delinquency list.~~

30 (e) Any person who is required to file full and public
31 disclosure of financial interests and whose name is on the

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1 commission's mailing list but who fails to timely file is
2 assessed a fine of \$25 per day for each day late up to a
3 maximum of \$1,500; however this \$1,500 limitation on automatic
4 finest does not limit the civil penalty that may be imposed if
5 the statement is filed more than 60 days after the deadline
6 and a complaint is filed, as provided in s. 112.324. The
7 commission must provide by rule the grounds for waiving the
8 fine and the procedures by which each person whose name is on
9 the mailing list and who is determined to have not filed in a
10 timely manner will be notified of assessed fines and may
11 appeal. The rule must provide for and make specific the
12 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. Upon receipt of the disclosure statement or upon
22 accrual of the maximum penalty, whichever occurs first, the
23 commission shall determine the amount of the fine which is due
24 and shall notify the delinquent person. The notice must
25 include an explanation of the appeal procedure under
26 subparagraph 3. Such fine must be paid within 30 days after
27 the notice of payment due is transmitted, unless appeal is
28 made to the commission pursuant to subparagraph 3. The moneys
29 shall be deposited into the General Revenue Fund.

30 3. Any reporting person may appeal or dispute a fine,
31 based upon unusual circumstances surrounding the failure to

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1 file on the designated due date, and may request and is
2 entitled to a hearing before the commission, which may waive
3 the fine in whole or in part for good cause shown. Any such
4 request must be made within 30 days after the notice of
5 payment due is transmitted. In such a case, the reporting
6 person must, within the 30-day period, notify the person
7 designated to review the timeliness of reports in writing of
8 his or her intention to bring the matter before the
9 commission.

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

19 (g)(f) The notification requirements and fines of this
20 subsection do not apply to candidates or to the first filing
21 required of any person appointed to elective constitutional
22 office or other position required to file full and public
23 disclosure, unless the person's name is on the commission's
24 notification list and the person received notification from
25 the commission. The appointing official shall notify such
26 newly appointed person of the obligation to file full and
27 public disclosure by July 1. The notification requirements and
28 fines of this subsection do not apply to the final filing
29 provided for in subsection (5).

30 (h) Notwithstanding any provision of chapter 120, any
31 fine imposed under this subsection which is not waived by

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1 final order of the commission and which remains unpaid more
2 than 60 days after the notice of payment due or more than 60
3 days after the commission renders a final order on the appeal
4 must be submitted to the Department of Banking and Finance as
5 a claim, debt, or other obligation owed to the state, and the
6 department shall assign the collection of such fine to a
7 collection agent as provided in s. 17.20.

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

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

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

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

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

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

10 (a) "Local officer" means:

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

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

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

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

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

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

27 e. A planning or zoning board, board of adjustment,
28 board of appeals, or other board having the power to
29 recommend, create, or modify land planning or zoning within
30 the political subdivision, except for citizen advisory
31 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 the
30 threshold amount provided for in s. 287.017 for CATEGORY ONE,
31 on behalf of any political subdivision of the state or any

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1 entity thereof.

2 (b) "Specified state employee" means:

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

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

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

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

25 5. Business managers, purchasing agents having the
26 power to make any purchase exceeding the threshold amount
27 provided for in s. 287.017 for CATEGORY ONE, finance and
28 accounting directors, personnel officers, or grants
29 coordinators for any state agency.

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

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

4 7. Each employee of the Commission on Ethics.

5 (c) "State officer" means:

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

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

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

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

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

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

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

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

31 (a) 1. All sources of income in excess of 5 percent of

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

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

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

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

28 (b)1. All sources of gross income in excess of \$2,500
29 received during the disclosure period by the person in his or
30 her own name or by any other person for his or her use or
31 benefit, excluding public salary. However, this shall not be

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1 construed to require disclosure of a business partner's
2 sources of income. The person reporting shall list such
3 sources in descending order of value with the largest source
4 first;

5 2. All sources of income to a business entity in
6 excess of 10 percent of the gross income of a business entity
7 in which the reporting person held a material interest and
8 from which he or she received gross income exceeding \$5,000
9 during the disclosure period. The period for computing the
10 gross income of the business entity is the fiscal year of the
11 business entity which ended on, or immediately prior to, the
12 end of the disclosure period of the person reporting;

13 3. The location or description of real property in
14 this state, except for residence and vacation homes, owned
15 directly or indirectly by the person reporting, when such
16 person owns in excess of 5 percent of the value of such real
17 property, and a general description of any intangible personal
18 property worth in excess of \$10,000. For the purpose of this
19 paragraph, indirect ownership does not include ownership by a
20 spouse or minor child; and

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

22 (4) Each elected constitutional officer, state
23 officer, local officer, and specified state employee shall
24 file a quarterly report of the names of clients represented
25 for a fee or commission, except for appearances in ministerial
26 matters, before agencies at his or her level of government.
27 For the purposes of this part, agencies of government shall be
28 classified as state-level agencies or agencies below state
29 level. Each local officer shall file such report with the
30 supervisor of elections of the county in which the officer is
31 principally employed or is a resident. Each state officer,

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1 elected constitutional officer, and specified state employee
2 shall file such report with the commission ~~Secretary of State~~.
3 The report shall be filed only when a reportable
4 representation is made during the calendar quarter and shall
5 be filed no later than the last day of each calendar quarter,
6 for the previous calendar ~~15 days after the last day of the~~
7 quarter. Representation before any agency shall be deemed to
8 include representation by such officer or specified state
9 employee or by any partner or associate of the professional
10 firm of which he or she is a member and of which he or she has
11 actual knowledge. For the purposes of this subsection, the
12 term "representation before any agency" does not include
13 appearances before any court or Chief Judges of Compensation
14 Claims or judges of compensation claims or representations on
15 behalf of one's agency in one's official capacity. Such term
16 does not include the preparation and filing of forms and
17 applications merely for the purpose of obtaining or
18 transferring a license based on a quota or a franchise of such
19 agency or a license or operation permit to engage in a
20 profession, business, or occupation, so long as the issuance
21 or granting of such license, permit, or transfer does not
22 require substantial discretion, a variance, a special
23 consideration, or a certificate of public convenience and
24 necessity.

25 (5) Each elected constitutional officer and each
26 candidate for such office, any other public officer required
27 pursuant to s. 8, Art. II of the State Constitution to file a
28 full and public disclosure of his or her financial interests,
29 and each state officer, local officer, specified state
30 employee, and candidate for elective public office who is or
31 was during the disclosure period an officer, director,

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1 partner, proprietor, or agent, other than a resident agent
2 solely for service of process, of, or owns or owned during the
3 disclosure period a material interest in, any business entity
4 which is granted a privilege to operate in this state shall
5 disclose such facts as a part of the disclosure form filed
6 pursuant to s. 8, Art. II of the State Constitution or this
7 section, as applicable. The statement shall give the name,
8 address, and principal business activity of the business
9 entity and shall state the position held with such business
10 entity or the fact that a material interest is owned and the
11 nature of that interest.

12 (6) Forms for compliance with the disclosure
13 requirements of this section and a current list of persons
14 subject to disclosure shall be created ~~provided~~ by the
15 ~~commission on Ethics to the Secretary of State~~ and provided to
16 each supervisor of elections. The commission and each
17 supervisor of elections, ~~who~~ shall give notice of disclosure
18 deadlines and delinquencies and distribute forms in the
19 following manner:

20 (a)1. Not later than May 1 of each year, the
21 ~~commission on Ethics~~ shall prepare a current list of the names
22 and addresses of, and the offices or positions held by, every
23 state officer, local officer, and specified employee. In
24 compiling the list, the commission shall be assisted by each
25 unit of government in providing, at the request of the
26 commission, the name, address, and name of agency of, and the
27 office or position held by, each state officer, local officer,
28 or specified state employee within the respective unit of
29 government.

30 2. Not later than May 15 of each year, the commission
31 ~~shall provide the Secretary of State with a current mailing~~

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1 ~~list of all state officers and specified employees and shall~~
2 provide each supervisor of elections with a current mailing
3 list of all local officers required to file with such
4 supervisor of elections.

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

11 (c) Not later than 30 days after July 1 of each year,
12 the commission ~~Secretary of State~~ and each supervisor of
13 elections shall determine which persons required to file a
14 statement of financial interests in their respective offices
15 have failed to do so and shall send delinquency notices by
16 certified mail to such persons. Each notice shall state that
17 a grace period is in effect until September 1 of the current
18 year; that no investigative or disciplinary action based upon
19 the delinquency will be taken by the agency head or commission
20 ~~on Ethics~~ if the statement is filed by September 1 of the
21 current year; that, if the statement is not filed by September
22 1 of the current year, a fine of \$25 for each day late will be
23 imposed, up to a maximum penalty of \$1,500; for notices sent
24 by a supervisor of elections, that he or she is required by
25 law to notify the commission ~~on Ethics~~ of the delinquency; and
26 that, if upon the filing of a sworn complaint the commission
27 finds that the person has failed to timely file the statement
28 within 60 days after ~~by~~ September 1 of the current year, such
29 person will also ~~shall~~ be subject to the penalties provided in
30 s. 112.317.

31 (d) No later than November 15 of each year ~~Not later~~

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1 ~~than 30 days following September 1 of each year, the Secretary~~
2 ~~of State and the supervisor of elections in each county shall~~
3 ~~certify to the commission on Ethics a list of the names and~~
4 ~~addresses of, and the offices or positions held by, all~~
5 ~~persons who have failed to timely file the required statements~~
6 ~~of financial interests. The certification must include the~~
7 ~~earliest of the dates described in subparagraph (f)1.The~~
8 ~~certification shall be on a form prescribed by the commission~~
9 ~~and shall indicate whether the supervisor of elections~~
10 ~~respective certifying official has provided the disclosure~~
11 ~~forms and notice as required by this subsection to all persons~~
12 ~~named on the delinquency list.~~

13 (e) Statements must be filed not later than 5 p.m. of
14 the due date. However, any statement that is postmarked by the
15 United States Postal Service by midnight of the due date is
16 deemed to have been filed in a timely manner, and a
17 certificate of mailing obtained from and dated by the United
18 States Postal Service at the time of the mailing, or a receipt
19 from an established courier company which bears a date on or
20 before the due date, constitutes proof of mailing in a timely
21 manner.

22 (f) Any person who is required to file a statement of
23 financial interests and whose name is on the commission's
24 mailing list but who fails to timely file is assessed a fine
25 of \$25 per day for each day late up to a maximum of \$1,500;
26 however, this \$1,500 limitation on automatic fines does not
27 limit the civil penalty that may be imposed if the statement
28 is filed more than 60 days after the deadline and a complaint
29 is filed, as provided in s. 112.324. The commission must
30 provide by rule the grounds for waiving the fine and
31 procedures by which each person whose name is on the mailing

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1 list and who is determined to have not filed in a timely
2 manner will be notified of assessed fines and may appeal. The
3 rule must provide for and make specific the following:
4 1. The amount of the fine due is based upon the
5 earliest of the following:
6 a. When a statement is actually received by the
7 office.
8 b. When the statement is postmarked.
9 c. When the certificate of mailing is dated.
10 d. When the receipt from an established courier
11 company is dated.
12 2. For a specified state employee or a state officer,
13 upon receipt of the disclosure statement by the commission or
14 upon accrual of the maximum penalty, whichever occurs first,
15 and for a local officer upon receipt by the commission of the
16 certification from the local officer's supervisor of elections
17 pursuant to paragraph (d), the commission shall determine the
18 amount of the fine which is due and shall notify the
19 delinquent person. The notice must include an explanation of
20 the appeal procedure under subparagraph 3. The fine must be
21 paid within 30 days after the notice of payment due is
22 transmitted, unless appeal is made to the commission pursuant
23 to subparagraph 3. The moneys are to be deposited into the
24 General Revenue Fund.
25 3. Any reporting person may appeal or dispute a fine,
26 based upon unusual circumstances surrounding the failure to
27 file on the designated due date, and may request and is
28 entitled to a hearing before the commission, which may waive
29 the fine in whole or in part for good cause shown. Any such
30 request must be made within 30 days after the notice of
31 payment due is transmitted. In such a case, the reporting

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1 person must, within the 30-day period, notify the person
2 designated to review the timeliness of reports in writing of
3 his or her intention to bring the matter before the
4 commission.

5 (g)(e) Any state officer, local officer, or specified
6 employee whose name is not on the mailing list of persons
7 required to file an annual statement of financial interests
8 provided to the Secretary of State or supervisor of elections
9 is not subject to the penalties provided in s. 112.317 or the
10 fine provided in this section for failure to timely file a
11 statement of financial interests in any year in which the
12 omission occurred, but nevertheless is required to file the
13 disclosure statement.

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

18 (i) Notwithstanding any provision of chapter 120, any
19 fine imposed under this subsection which is not waived by
20 final order of the commission and which remains unpaid more
21 than 60 days after the notice of payment due or more than 60
22 days after the commission renders a final order on the appeal
23 must be submitted to the Department of Banking and Finance as
24 a claim, debt, or other obligation owed to the state, and the
25 department shall assign the collection of such a fine to a
26 collection agent as provided in s. 17.20.

27 (7)(a) The appointing official or body shall notify
28 each newly appointed local officer, state officer, or
29 specified state employee, not later than the date of
30 appointment, of the officer's or employee's duty to comply
31 with the disclosure requirements of this section. The agency

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1 head of each employing agency shall notify each newly employed
2 local officer or specified state employee, not later than the
3 day of employment, of the officer's or employee's duty to
4 comply with the disclosure requirements of this section. The
5 appointing official or body or employing agency head may
6 designate a person to be responsible for the notification
7 requirements of this paragraph section.

8 (b) The agency head of the agency of each local
9 officer, state officer, or specified state employee who is
10 required to file a statement of financial interests for the
11 final disclosure period shall notify such persons of their
12 obligation to file the final disclosure and may designate a
13 person to be responsible for the notification requirements of
14 this paragraph.

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

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

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1 other inquiry or proceeding, while recognizing that the public
2 was deprived of access to information to which it was
3 entitled.

4 Section 5. Section 112.3148, Florida Statutes, is
5 amended to read:

6 112.3148 Reporting and prohibited receipt of gifts by
7 individuals filing full or limited public disclosure of
8 financial interests and by procurement employees.--

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

12 (2) As used in this section:

13 (a) "Immediate family" means any parent, spouse,
14 child, or sibling.

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

23 2. With respect to an agency that has established by
24 rule, ordinance, or law a registration process for persons
25 seeking to influence decisionmaking or to encourage the
26 passage, defeat, or modification of any proposal or
27 recommendation by such agency or an employee or official of
28 the agency, the term "lobbyist" includes only a person who is
29 required to be registered as a lobbyist in accordance with
30 such rule, ordinance, or law or who was during the preceding
31 12 months required to be registered as a lobbyist in

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1 accordance with such rule, ordinance, or law. At a minimum,
2 such a registration system must require the registration of,
3 or must designate, persons as "lobbyists" who engage in the
4 same activities as require registration to lobby the
5 Legislature pursuant to s. 11.045.

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

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

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

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1 any year.

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

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

28 (5)(a) A political committee or a committee of
29 continuous existence, as defined in s. 106.011; a lobbyist who
30 lobbies a reporting individual's or procurement employee's
31 agency; the partner, firm, employer, or principal of a

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

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

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1 person or entity.

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

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

30 (c) No later than March 1 of each year, each
31 governmental entity or direct-support organization

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1 specifically authorized by law to support a governmental
2 entity which has given a gift to a reporting individual or
3 procurement employee under paragraph (a) shall provide the
4 reporting individual or procurement employee with a statement
5 of each gift having a value in excess of \$100 given to such
6 reporting individual or procurement employee by the
7 governmental entity or direct-support organization during the
8 preceding calendar year. Such report shall contain a
9 description of each gift, the date on which the gift was
10 given, and the value of the total gifts given by the
11 governmental entity or direct-support organization to the
12 reporting individual or procurement employee during the
13 calendar year for which the report is made. A governmental
14 entity may provide a single report to the reporting individual
15 or procurement employee of gifts provided by the governmental
16 entity and any direct-support organization specifically
17 authorized by law to support such governmental entity.

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

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1 statement of the reporting individual or procurement employee.
2 The reporting individual or procurement employee may explain
3 any differences between the report of the reporting individual
4 or procurement employee and the attached reports. The annual
5 report filed by a reporting individual shall be filed with the
6 financial disclosure statement required by either s. 8, Art.
7 II of the State Constitution or s. 112.3145, as applicable to
8 the reporting individual. The annual report filed by a
9 procurement employee shall be filed with the Commission on
10 Ethics ~~Department of State~~.

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

24 (b) Compensation provided by the donee to the donor,
25 if provided within 90 days after receipt of the gift, shall be
26 deducted from the value of the gift in determining the value
27 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 whether or not they are reporting individuals or procurement

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1 employees.

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

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

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

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

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

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

28 (j) The value of a gift provided to several
29 individuals may be attributed on a pro rata basis among all of
30 the individuals. If the gift is food, beverage, entertainment,
31 or similar items, provided at a function for more than 10

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

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

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

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

24 (b) The statement shall include:

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

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

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

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

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

11 (9) A person, other than a lobbyist regulated under s.
12 11.045, who violates the provisions of subsection (5) commits
13 a noncriminal infraction, punishable by a fine of not more
14 than \$5,000 and by a prohibition on lobbying, or employing a
15 lobbyist to lobby, before the agency of the reporting
16 individual or procurement employee to which the gift was given
17 in violation of subsection (5), for a period of not more than
18 24 months. The state attorney, or an agency, if otherwise
19 authorized, may initiate an action to impose or recover a fine
20 authorized under this section or to impose or enforce a
21 limitation on lobbying provided in this section.

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

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

31 112.3149 Solicitation and disclosure of honoraria.--

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

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

29 112.317 Penalties.--

30 (1) Violation of any provision of this part,
31 including, but not limited to, any failure to file any

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1 disclosures required by this part or violation of any standard
2 of conduct imposed by this part, or violation of any provision
3 of s. 8, Art. II of the State Constitution, in addition to any
4 criminal penalty or other civil penalty involved, shall,
5 pursuant to applicable constitutional and statutory
6 procedures, constitute grounds for, and may be punished by,
7 one or more of the following:

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

- 21 (b) In the case of an employee or a person designated
22 as a public officer by this part who otherwise would be deemed
23 to be an employee:
- 24 1. Dismissal from employment.
 - 25 2. Suspension from employment for not more than 90
26 days without pay.
 - 27 3. Demotion.
 - 28 4. Reduction in salary level.
 - 29 5. Forfeiture of no more than one-third salary per
30 month for no more than 12 months.
 - 31 6. A civil penalty not to exceed \$10,000.

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1 7. Restitution of any pecuniary benefits received
2 because of the violation committed. The commission may
3 recommend that the restitution penalty be paid to the agency
4 by which such employee was employed or by which such officer
5 was deemed to be an employee or to the General Revenue Fund of
6 the state.

7 8. Public censure and reprimand.

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

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

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

- 19 1. Public censure and reprimand.
- 20 2. A civil penalty not to exceed \$10,000.
- 21 3. Restitution of any pecuniary benefits received

22 because of the violation committed. The commission may
23 recommend that the restitution penalty be paid to the agency
24 of such public officer or employee or the General Revenue Fund
25 of the state.

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

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1 the civil action to enforce the civil penalty or order of
2 restitution that could have been raised by judicial review of
3 the administrative findings and recommendations of the
4 commission by certiorari to the district court of appeal. The
5 Attorney General shall be entitled to collect any costs,
6 attorney's fees, expert witness fees, or other costs of
7 collection incurred in bringing such actions.

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

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

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

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1 of the person complained against, including the costs and
2 reasonable attorney's fees incurred in proving entitlement to
3 and the amount of costs and fees. If the complainant fails to
4 pay such costs and fees voluntarily within 30 days following
5 such finding by the commission, the commission shall forward
6 such information to the Department of Legal Affairs, which
7 shall bring a civil action in a court of competent
8 jurisdiction to recover the amount of such costs and fees
9 awarded by the commission.

10 Section 8. Section 112.3185, Florida Statutes, is
11 amended to read:

12 112.3185 Additional standards for state agency
13 employees ~~Contractual services~~.--

14 (1) For the purposes of this section:

15 (a) "Contractual services" shall be defined as set
16 forth in chapter 287.

17 (b) "Agency" means any state officer, department,
18 board, commission, or council of the executive or judicial
19 branch of state government and includes the Public Service
20 Commission.

21 (2) No agency employee who participates through
22 decision, approval, disapproval, recommendation, preparation
23 of any part of a purchase request, influencing the content of
24 any specification or procurement standard, rendering of
25 advice, investigation, or auditing or in any other advisory
26 capacity in the procurement of contractual services shall
27 become or be, while an agency employee, the employee of a
28 person contracting with the agency by whom the employee is
29 employed.

30 (3) No agency employee shall, after retirement or
31 termination, have or hold any employment or contractual

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1 relationship with any business entity other than an agency in
2 connection with any contract in which the agency employee
3 participated personally and substantially through decision,
4 approval, disapproval, recommendation, rendering of advice, or
5 investigation while an officer or employee.

6 (4) No agency employee shall, within 2 years after
7 retirement or termination, have or hold any employment or
8 contractual relationship with any business entity other than
9 an agency in connection with any contract for contractual
10 services which was within his or her responsibility while an
11 employee.

12 (5) The sum of money paid to a former agency employee
13 during the first year after the cessation of his or her
14 responsibilities, by the agency with whom he or she was
15 employed, for contractual services provided to the agency,
16 shall not exceed the annual salary received on the date of
17 cessation of his or her responsibilities. The provisions of
18 this subsection may be waived by the agency head for a
19 particular contract if the agency head determines that such
20 waiver will result in significant time or cost savings for the
21 state.

22 (6) No agency employee acting in an official capacity
23 shall directly or indirectly procure contractual services for
24 his or her own agency from any business entity of which a
25 relative is an officer, partner, director, or proprietor or in
26 which such officer or employee or his or her spouse or child,
27 or any combination of them, has a material interest.

28 (7) No agency employee shall, after retirement or
29 termination, represent or advise another person or entity,
30 except the state, in any matter in which the employee
31 participated personally and substantially in his or her

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1 official capacity through decision, approval, disapproval,
2 recommendation, rendering of advice, investigation, or
3 otherwise while an employee. The term "matter" includes any
4 judicial or other proceeding, application, request for a
5 ruling or other determination, contract, claim, controversy,
6 investigation, charge, accusation, arrest, or other particular
7 action involving a specific party or parties.

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

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

13 Section 9. Subsections (1) and (3) of section
14 112.3231, Florida Statutes, are amended to read:

15 112.3231 Time limitations.--

16 (1) ~~On or after October 1, 1993,~~All sworn complaints
17 alleging a violation of this part, or of any other breach of
18 the public trust within the jurisdiction of the Commission on
19 Ethics under s. 8, Art. II of the State Constitution, shall be
20 filed with the commission within 5 years of the alleged
21 violation or other breach of the public trust. For information
22 or referrals received by the Commission pursuant to s.
23 112.324, the determination by at least seven of the members
24 that the information or referral is deemed sufficient to
25 indicate a breach of the public trust shall be made within
26 five years of the alleged violation.

27 (3) The applicable period of limitation is tolled on
28 the day a sworn complaint against the public officer,
29 employee, or candidate is filed with the Commission on Ethics.
30 For information or referrals received by the Commission
31 pursuant to s. 112.324, the applicable period of limitation is

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1 tolled upon a determination by at least seven members of the
2 Commission that the information or referral is deemed
3 sufficient. If it can be concluded from the face of the
4 complaint that the applicable period of limitation has run,
5 the complaint shall be dismissed and the commission shall
6 issue a public report.

7 Section 10. Subsection (1) of section 112.321, Florida
8 Statutes, is amended to read:

9 112.321 Membership, terms; travel expenses; staff.--

10 (1) The commission shall be composed of nine members.
11 Five of these members shall be appointed by the Governor, no
12 more than three of whom shall be from the same political
13 party, subject to confirmation by the Senate. One member
14 appointed by the Governor shall be a former city or county
15 official and may be a former member of a local planning or
16 zoning board which has only advisory duties. Two members
17 shall be appointed by the Speaker of the House of
18 Representatives, and two members shall be appointed by the
19 President of the Senate. Neither the Speaker of the House of
20 Representatives nor the President of the Senate shall appoint
21 more than one member from the same political party. Of the
22 nine members of the Commission, no more than five members
23 shall be from the same political party at any one time. If any
24 member of the Commission changes party affiliation and as a
25 result more than five members are from the same political
26 party, a vacancy in office shall be created as of the date of
27 the party change. The official who appointed the member who
28 changed parties shall fill the vacancy in accordance with the
29 provisions of this subsection. No member may hold any public
30 employment. All members shall serve 2-year terms. No member
31 shall serve more than two full terms in succession. Any member

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1 of the commission may be removed for cause by majority vote of
2 the Governor, the President of the Senate, the Speaker of the
3 House of Representatives, and the Chief Justice of the Supreme
4 Court.

5 Section 11. Section 112.324, Florida Statutes, is
6 amended to read:

7 112.324 Procedures on complaints of violations.--

8 ~~(1) Upon a written complaint executed on a form~~
9 ~~prescribed by the commission and signed under oath or~~
10 ~~affirmation by any person,~~The commission shall investigate
11 any alleged violation of this part or any other alleged breach
12 of the public trust within the jurisdiction of the commission
13 as provided in s. 8(f), Art. II of the State Constitution in
14 accordance with procedures set forth herein:--

15 (a) Upon a written complaint executed on a form
16 prescribed by the commission and signed under oath or
17 affirmation by any person;

18 (b) Upon receipt of reliable and publicly disseminated
19 information which at least seven of the members of the
20 commission deem sufficient to indicate a breach of the public
21 trust, provided that commission staff shall undertake no
22 formal investigation other than collecting publicly
23 disseminated information prior to a determination of
24 sufficiency by at least seven members of the commission; or

25 (c) Upon receipt of a written referral of a possible
26 violation of this part or other possible breach of the public
27 trust from the Governor, the Comptroller, a State Attorney,
28 the Executive Director of the Department of Law Enforcement,
29 or the Statewide Prosecutor, which at least seven of the
30 members of the commission deem sufficient to indicate a breach
31 of the public trust.

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1
2 Within 5 days after receipt of a complaint or other
3 information provided under paragraph (b) or paragraph (c), by
4 the commission a copy shall be transmitted to the alleged
5 violator. All proceedings, the complaint, and other records
6 relating to the preliminary investigation as provided herein,
7 or as provided by a Commission on Ethics and Public Trust
8 established by any county defined in s. 125.011(1), shall be
9 confidential and exempt from the provisions of s. 119.07(1),
10 and s. 24(a), Art. I of the State Constitution, either until
11 the alleged violator requests in writing that such
12 investigation and records be made public records or the
13 preliminary investigation is completed, notwithstanding any
14 provision of chapter 120 or s. 286.011 and s. 24(b), Art. I of
15 the State Constitution. The confidentiality requirements of
16 this section shall not prohibit the commission or its staff
17 from sharing investigative information with criminal
18 investigative agencies. In no event shall a complaint under
19 this part against a candidate in any general, special, or
20 primary election be filed or any intention of filing such a
21 complaint be disclosed on the day of any such election or
22 within the 5 days immediately preceding the date of the
23 election. The confidentiality provisions of this subsection
24 are is repealed October 2, 2002, and must be reviewed by the
25 Legislature before that date in accordance with s. 119.15, the
26 Open Government Sunset Review Act of 1995.

27 (2) A preliminary investigation shall be undertaken by
28 the commission of each legally sufficient complaint,
29 information, or referral over which the commission has
30 jurisdiction to determine whether there is probable cause to
31 believe that a violation has occurred. If, upon completion of

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1 the preliminary investigation, the commission finds no
2 probable cause to believe that this part has been violated or
3 that any other breach of the public trust has been committed,
4 the commission shall dismiss the complaint or proceeding with
5 the issuance of a public report to the complainant and the
6 alleged violator, stating with particularity its reasons for
7 dismissal ~~of the complaint~~. At that time, the complaint, the
8 proceeding, and all materials relating to the complaint and
9 proceeding shall become a matter of public record. If the
10 commission finds from the preliminary investigation probable
11 cause to believe that this part has been violated or that any
12 other breach of the public trust has been committed, it shall
13 so notify the complainant and the alleged violator in writing.
14 Such notification and all documents made or received in the
15 disposition of the complaint or proceeding shall then become
16 public records. Upon request submitted to the commission in
17 writing, any person who the commission finds probable cause to
18 believe has violated any provision of this part or has
19 committed any other breach of the public trust shall be
20 entitled to a public hearing. Such person shall be deemed to
21 have waived the right to a public hearing if the request is
22 not received within 14 days following the mailing of the
23 probable cause notification required by this subsection.
24 However, the commission may on its own motion, require a
25 public hearing, may conduct such further investigation as it
26 deems necessary, and may enter into such stipulations and
27 settlements as it finds to be just and in the best interest of
28 the State. The commission is without jurisdiction to, and no
29 respondent may voluntarily or involuntarily, enter into a
30 stipulation or settlement which imposes any penalty,
31 including, but not limited to, a sanction or admonition or any

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1 other penalty contained in s. 112.317. Penalties shall be
2 imposed only by the appropriate disciplinary authority as
3 designated in this section.

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

24 (4) If, in cases pertaining to complaints or
25 proceedings against impeachable officers, upon completion of a
26 full and final investigation by the commission, the commission
27 finds that there has been a violation of this part or of any
28 provision of s. 8, Art. II of the State Constitution, and the
29 commission finds that the violation may constitute grounds for
30 impeachment, the commission shall forward a copy of the
31 complaint, information, or referral and its findings by

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1 certified mail to the Speaker of the House of Representatives,
2 who shall refer the matter ~~complaint~~ to the appropriate
3 committee for investigation and action which shall be governed
4 by the rules of the House of Representatives. It shall be the
5 duty of the committee to report its final action upon the
6 matter ~~complaint~~ to the commission within 90 days of the date
7 of transmittal.

8 (5) If the commission finds that there has been a
9 violation of this part or of any provision of s. 8, Art. II of
10 the State Constitution by an impeachable officer other than
11 the Governor, and the commission recommends public censure and
12 reprimand, forfeiture of a portion of the officer's salary, a
13 civil penalty, or restitution, the commission shall report its
14 findings and recommendation of disciplinary action to the
15 Governor, who shall have the power to invoke the penalty
16 provisions of this part.

17 (6) If 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 by the Governor, and the commission
20 recommends public censure and reprimand, forfeiture of a
21 portion of the Governor's salary, a civil penalty, or
22 restitution, the commission shall report its findings and
23 recommendation of disciplinary action to the Attorney General,
24 who shall have the power to invoke the penalty provisions of
25 this part.

26 (7) If, in cases pertaining to persons other than
27 ~~complaints other than complaints against~~ impeachable officers
28 or members of the Legislature, upon completion of a full and
29 final investigation by the commission, the commission finds
30 that there has been a violation of this part or of s. 8, Art.
31 II of the State Constitution, it shall be the duty of the

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1 commission to report its findings and recommend appropriate
2 action to the proper disciplinary official or body as follows,
3 and such official or body shall have the power to invoke the
4 penalty provisions of this part, including the power to order
5 the appropriate elections official to remove a candidate from
6 the ballot for a violation of s. 112.3145 or s. 8(a) and (i)
7 ~~(h)~~, Art. II of the State Constitution:

8 (a) The President of the Senate and the Speaker of the
9 House of Representatives, jointly, in any case concerning the
10 Public Counsel, members of the Public Service Commission,
11 members of the Public Service Commission Nominating Council,
12 the Auditor General, members of the Legislative Committee on
13 Intergovernmental Relations, or members of the Advisory
14 Council on Environmental Education.

15 (b) The Supreme Court, in any case concerning an
16 employee of the judicial branch.

17 (c) The President of the Senate, in any case
18 concerning an employee of the Senate; the Speaker of the House
19 of Representatives, in any case concerning an employee of the
20 House of Representatives; or the President and the Speaker,
21 jointly, in any case concerning an employee of a committee of
22 the Legislature whose members are appointed solely by the
23 President and the Speaker or in any case concerning an
24 employee of the Public Counsel, Public Service Commission,
25 Auditor General, Legislative Committee on Intergovernmental
26 Relations, or Advisory Council on Environmental Education.

27 (d) Except as otherwise provided by this part, the
28 Governor, in the case of any other public officer, public
29 employee, former public officer or public employee, candidate,
30 or former candidate.

31 (e) The President of the Senate or the Speaker of the

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1 House of Representatives, whichever is applicable, in any case
2 concerning a former member of the Legislature who has violated
3 a provision applicable to former members or whose violation
4 occurred while a member of the Legislature.

5 (8) In addition to reporting its findings to the
6 proper disciplinary body or official, the commission shall
7 report these findings to the state attorney or any other
8 appropriate official or agency having authority to initiate
9 prosecution when violation of criminal law is indicated.

10 (9) Notwithstanding the foregoing procedures of this
11 section, a sworn complaint against any member or employee of
12 the Commission on Ethics for violation of this part or of s.
13 8, Art. II of the State Constitution shall be filed with the
14 President of the Senate and the Speaker of the House of
15 Representatives. Each presiding officer shall, after
16 determining that there are sufficient grounds for review,
17 appoint three members of their respective bodies to a special
18 joint committee who shall investigate the complaint. The
19 members shall elect a chair from among their number. If the
20 special joint committee finds insufficient evidence to
21 establish probable cause to believe a violation of this part
22 or of s. 8, Art. II of the State Constitution has occurred, it
23 shall dismiss the complaint. If, upon completion of its
24 preliminary investigation, the committee finds sufficient
25 evidence to establish probable cause to believe a violation
26 has occurred, the chair thereof shall transmit such findings
27 to the Governor who shall convene a meeting of the Governor,
28 the President of the Senate, the Speaker of the House of
29 Representatives, and the Chief Justice of the Supreme Court to
30 take such final action on the complaint as they shall deem
31 appropriate, consistent with the penalty provisions of this

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1 part. Upon request of a majority of the Governor, the
2 President of the Senate, the Speaker of the House of
3 Representatives, and the Chief Justice of the Supreme Court,
4 the special joint committee shall submit a recommendation as
5 to what penalty, if any, should be imposed.

6 (10)(a) Notwithstanding the provisions of subsections
7 (1)-(7), the commission may, at its discretion, dismiss any
8 complaint or proceeding at any stage of disposition should it
9 determine that the public interest would not be served by
10 proceeding further, in which case the commission shall issue a
11 public report stating with particularity its reasons for the
12 dismissal. The investigation of facts and parties materially
13 related to a complaint, as provided in s. 112.322(1) and
14 pursuant to the definitions contained in s. 112.312(11) and
15 (18), and the amendment of s. 112.3143 shall apply only to
16 alleged violations occurring after May 24, 1991.

17 (b) If the commission undertakes to investigate a
18 reporting individual for failing to properly report under s.
19 8, Art. II of the State Constitution, s. 112.3144, or s.
20 112.3145 and the investigation reveals and the commission
21 finds that the error was technical or minor in nature, the
22 commission may notify the respondent of the error and may
23 request that an amended report correcting the error be filed
24 with the commission and the filing officer within 10 days
25 after the respondent receives the notice. The commission shall
26 dismiss the matter without further proceedings if:

27 1. The reporting individual timely files an amended
28 report correcting the error;

29 2. The commission has not determined that the
30 reporting individual has previously violated s. 8, Art. II of
31 the State Constitution, s. 112.3144, or s. 112.3145; and

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1 3. The reporting individual has not previously filed
2 or been asked to file an amended report under this paragraph.

3 Section 12. Section 914.21, Florida Statutes, is
4 amended to read:

5 914.21 Definitions.--As used in ss. 914.22-914.24, the
6 term:

7 (1) "Bodily injury" means:

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

9 (b) Physical pain;

10 (c) Illness;

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

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

15 (2) "Misleading conduct" means:

16 (a) Knowingly making a false statement;

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

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

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

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

30 (3) "Official investigation" means any investigation
31 instituted by a law enforcement agency or prosecuting officer

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1 of the state or a political subdivision of the state, or any
 2 investigation conducted by the Florida Commission on Ethics.

3 (4) "Official proceeding" means:

4 (a) A proceeding before a judge or court or a grand
 5 jury;

6 (b) A proceeding before the Legislature; ~~or~~

7 (c) A proceeding before a federal agency which is
 8 authorized by law; or

9 (d) A proceeding before the Florida Commission on
 10 Ethics.

11 (5) "Physical force" means physical action against
 12 another and includes confinement.

13 Section 13. Subsection (9) of section 112.322, Florida
 14 Statutes, is repealed.

15 Section 14. Subsection (6) of section 440.442, Florida
 16 Statutes, is amended to read:

17 440.442 Code of Judicial Conduct.--The Chief Judge,
 18 and judges of compensation claims shall observe and abide by
 19 the Code of Judicial Conduct as provided in this section. Any
 20 material violation of a provision of the Code of Judicial
 21 Conduct shall constitute either malfeasance or misfeasance in
 22 office and shall be grounds for suspension and removal of such
 23 Chief Judge, or judge of compensation claims by the Governor.

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

29 (a) Compensation for quasi-judicial and extrajudicial
 30 services and reimbursement of expenses.--A judge may receive
 31 compensation and reimbursement of expenses for the

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1 quasi-judicial and extrajudicial activities permitted by this
2 section, if the source of such payments does not give the
3 appearance of influencing the judge in his or her judicial
4 duties or otherwise give the impression of impropriety subject
5 to the following restrictions:

6 1. Compensation: Compensation should not exceed a
7 reasonable amount nor should it exceed what a person who is
8 not a judge would receive for the same activity.

9 2. Expense reimbursement: Expense reimbursement
10 should be limited to the actual cost of travel, food, and
11 lodging reasonably incurred by the judge and, where
12 appropriate to the occasion, to his or her spouse. Any payment
13 in excess of such an amount is compensation.

14 (b) Public financial reporting.--

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

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

29 Section 15. Sections 839.08, 839.09, 839.091, and
30 839.10, Florida Statutes, are repealed.

31 Section 16. Section 112.3232, Florida Statutes, is

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1 created to read:

2 112.3232 Compelled testimony.--If any person called to
3 give evidence in a commission proceeding shall refuse to give
4 evidence because of a claim of possible self-incrimination,
5 the commission, with the written authorization of the
6 appropriate state attorney, may apply to the chief judge of
7 the appropriate judicial circuit for a judicial grant of
8 immunity ordering the testimony or other evidence of such
9 person notwithstanding his or her objection, but in such case
10 no testimony or other information compelled under the order,
11 or any information directly or indirectly derived from such
12 testimony or other information, may be used against the
13 witness in any criminal proceeding.

14 Section 17. Section 112.31905, Florida Statutes, is
15 created to read:

16 112.31905 Educational requirements for elected public
17 officials.--Each elected public officer and each person
18 appointed to hold elective public office shall, within the
19 first year following his or her election or appointment to
20 office and every 4 years thereafter:

21 (1) Complete a course of study of at least 3 hours
22 regarding the requirements of this part, the public records
23 law of chapter 119, the public meetings law in chapter 286,
24 and chapter 838.

25 (2) Certify his or her completion of the course of
26 study on a form promulgated by the commission and file the
27 form with the commission, if he or she files full and public
28 disclosure under s. 8 of Art. II, of the State Constitution,
29 or with the supervisor of elections of the county of his or
30 her residence, if he or she files a statement of financial
31 interests under s. 112.3145.

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1 Section 18. Subsection (7) of section 112.322, Florida
2 Statutes, is amended to read:

3 112.322 Duties and powers of commission.--
4 (7) The commission may prepare materials designed to
5 assist persons in complying with the provisions of this part
6 and with s. 8, Art. II of the State Constitution, and is
7 authorized to work with other agencies of state and local
8 government and private organizations to develop and
9 disseminate ethics training materials and programs, including,
10 but not limited to, the materials and programs necessary for
11 public officials to comply with the education requirements of
12 s. 112.31905.

13 Section 19. The provisions of this act requiring a
14 person to file a final disclosure statement within 60 days
15 after leaving his or her public position, including the
16 notification requirements relating to final filings, apply to
17 persons leaving office or employment on or after the date this
18 act becomes a law.

19 Section 20. Section 112.3147, Florida Statutes, is
20 amended to read:

21 112.3147 Forms.--
22 (1) All information required to be furnished by ss.
23 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149,
24 and 112.31905 and by s. 8, Art. II of the State Constitution
25 shall be on forms prescribed by the Commission on Ethics.

26 (2)(a) With respect to reporting assets valued in
27 excess of \$1,000 on forms prescribed pursuant to s. 112.3144
28 which the reporting individual holds jointly with another
29 person, the amount reported shall be based on the reporting
30 individual's legal percentage of ownership in the property,
31 except that assets held jointly with the reporting

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1 individual's spouse shall be reported at 100 percent of the
2 value of the asset. For purposes of this subsection, a
3 reporting individual is deemed to own an interest in a
4 partnership which corresponds to the reporting individual's
5 interest in the capital or equity of the partnership.

6 (2)(b)1. With respect to reporting liabilities valued
7 in excess of \$1,000 on forms prescribed pursuant to s.
8 112.3144 for which the reporting individual is jointly and
9 severally liable, the amount reported shall be based upon the
10 reporting individual's percentage of liability rather than the
11 total amount of the liability, except, a joint and several
12 liability with the reporting individual's spouse for a debt
13 which relates to property owned by both as tenants by the
14 entirety shall be reported at 100 percent of the total amount
15 owed.

16 2. A separate section of the form shall be created to
17 provide for the reporting of the amounts of joint and several
18 liability of the reporting individual not otherwise reported
19 in paragraph (a).

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

23 Section 22. This act, except for this section and
24 section 19, which shall take effect upon becoming law, shall
25 take effect January 1, 2001.

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act relating to ethics; amending s. 112.312,
4 F.S.; redefining the terms "gift" and
5 "liability"; amending s. 112.313, F.S.;
6 extending the prohibition against the use of
7 certain confidential public information to
8 former officers, employees, and local
9 government attorneys; expanding the scope of
10 post-employment lobbying restriction applicable
11 to elected local officers; amending s.
12 112.3144, F.S.; transferring filing
13 administration from the Secretary of State to
14 the Commission on Ethics; modifying the filing
15 location for officers from the Secretary of
16 State to the commission; establishing an
17 automatic fine system for delinquent filers and
18 nonfilers; requiring former officers and
19 employees to file a final disclosure of
20 financial interests no later than 60 days
21 following departure, with certain exceptions;
22 requiring the Commission on Ethics to adopt
23 rules and forms relating to filing amended full
24 and public disclosure of financial interests;
25 amending s. 112.3145, F.S.; redefining the term
26 "local officer"; revising the reporting
27 requirements for limited statutory disclosure
28 of financial interests; transferring filing
29 administration from the Secretary of State to
30 the Commission on Ethics; modifying the filing
31 location for state officers and specified state

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

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1 the Department of State to the Commission on
2 Ethics; amending s. 112.317, F.S.; authorizing
3 the Commission on Ethics to recommend how
4 restitution may be paid; entitling the Attorney
5 General to reimbursement of fees and costs
6 associated with collecting civil and
7 restitution penalties imposed for ethics
8 violations; removing a criminal penalty related
9 to the disclosure of confidential information
10 brought before the commission; amending s.
11 112.3185, F.S.; creating a post-employment
12 restriction for certain agency employees;
13 amending s. 112.3231, F.S.; relating to time
14 limitations on ethics proceedings; amending s.
15 112.321, F.S.; regarding membership of the
16 Ethics Commission; amending s. 112.324, F.S.;
17 authorizing the Commission on Ethics to
18 investigate potential ethics violations on its
19 own authority under certain circumstances;
20 clarifying that the proper sanction authority
21 in the case of a current state legislator who
22 commits an act in violation of the Ethics Code
23 prior to joining the Legislature is vested in
24 the house in which the legislator serves;
25 allowing the Commission on Ethics to dismiss a
26 complaint that involves a technical or minor
27 error, under specified conditions; amending s.
28 914.21, F.S.; redefining the terms "official
29 proceeding" and "official investigation";
30 extending the witness-tampering laws to include
31 Commission on Ethics investigations and

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1 proceedings; repealing s. 112.322(9), F.S.,
2 which requires the Commission on Ethics to
3 report certain delinquent financial disclosure
4 filers to the Department of Community Affairs;
5 amending s. 440.442, F.S.; transferring the
6 filing location for public financial reporting
7 by judges of compensation claims from the
8 Secretary of State to the Commission on Ethics;
9 clarifying that the Code of Judicial Conduct
10 governs the reporting of gifts for judges of
11 compensation claims; repealing ss. 839.08,
12 839.09, 839.091, and 839.10, F.S., which
13 provide criminal penalties for offenses by
14 public officers and employees relating to the
15 purchase of supplies or materials and the
16 bidding for public work; creating s. 112.3232,
17 F.S.; authorizing the Commission on Ethics to
18 seek immunity for certain witnesses; creating
19 s. 112.31905, F.S.; mandating educational
20 requirements for elected public officials;
21 amending s. 112.322, F.S.; authorizing the
22 Commission on Ethics to develop and disseminate
23 ethics training materials and programs;
24 amending s. 112.3147, F.S.; authorizing the
25 Commission on Ethics to prescribe forms
26 relating to the public official education
27 requirements and full and public financial
28 disclosure; prescribing requirements for
29 reporting certain assets and liabilities on the
30 full and public disclosure form; appropriating
31 funds to the Commission on Ethics; providing an

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1 effective date.
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