

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

1 60 days after leaving office or employment,  
2 with certain exceptions; modifying reporting  
3 dates for filing quarterly reports of the names  
4 of clients represented before certain agencies  
5 for a fee; requiring the Commission on Ethics  
6 to adopt rules and forms relating to amended  
7 financial disclosure filings; amending s.  
8 112.3148, F.S.; redefining the term "reporting  
9 individual"; establishing a reimbursement  
10 deadline with regard to the valuation of gifts  
11 received by reporting individuals; clarifying  
12 that the gifts law applies to candidates;  
13 extending the gifts law to include  
14 nonincumbents elected to office for the period  
15 immediately following election but before  
16 officially taking office; transferring the  
17 filing administration for gift disclosure from  
18 the Secretary of State to the Commission on  
19 Ethics; authorizing the Technological Research  
20 and Development Authority to make certain gifts  
21 under certain circumstances; amending s.  
22 112.3149, F.S.; transferring filing  
23 administration for honoraria disclosure from  
24 the Department of State to the Commission on  
25 Ethics; amending s. 112.321, F.S.; regarding  
26 membership of the Ethics Commission;  
27 repealing s. 112.322(9), F.S., which requires  
28 the Commission on Ethics to report certain  
29 delinquent financial disclosure filers to the  
30 Department of Community Affairs; amending s.  
31 440.442, F.S.; transferring the filing location

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

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsections (12) and (14) of section  
28 112.312, Florida Statutes, are amended to read:

29 112.312 Definitions.--As used in this part and for  
30 purposes of the provisions of s. 8, Art. II of the State  
31 Constitution, unless the context otherwise requires:

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

8           1. Real property.

9           2. The use of real property.

10          3. Tangible or intangible personal property.

11          4. The use of tangible or intangible personal  
12 property.

13          5. A preferential rate or terms on a debt, loan,  
14 goods, or services, which rate is below the customary rate and  
15 is not either a government rate available to all other  
16 similarly situated government employees or officials or a rate  
17 which is available to similarly situated members of the public  
18 by virtue of occupation, affiliation, age, religion, sex, or  
19 national origin.

20          6. Forgiveness of an indebtedness.

21          7. Transportation, other than that provided to a  
22 public officer or employee by an agency in relation to  
23 officially approved governmental business, lodging, or  
24 parking.

25          8. Food or beverage.

26          9. Membership dues.

27          10. Entrance fees, admission fees, or tickets to  
28 events, performances, or facilities.

29          11. Plants, flowers, or floral arrangements.

30          12. Services provided by persons pursuant to a  
31 professional license or certificate.

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

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

5           (b) "Gift" does not include:

6           1. Salary, benefits, services, fees, commissions,  
7 gifts, or expenses associated primarily with the donee's  
8 employment, business, or service as an officer or director of  
9 a corporation or organization.

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

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

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

19           5. An honorary membership in a service or fraternal  
20 organization presented merely as a courtesy by such  
21 organization.

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

24           7. Transportation provided to a public officer or  
25 employee by an agency in relation to officially approved  
26 governmental business.

27           8. Gifts provided directly or indirectly by a state,  
28 regional, or national organization which promotes the exchange  
29 of ideas between, or the professional development of,  
30 governmental officials or employees, and whose membership is  
31 primarily composed of elected or appointed public officials or

1 staff, to members of that organization or officials or staff  
2 of a governmental agency that is a member of that  
3 organization.

4 (c) For the purposes of paragraph (a), "intangible  
5 personal property" means property as defined in s.  
6 192.001(11)(b).

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

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

20 Section 2. Section 112.3144, Florida Statutes, is  
21 amended to read:

22 112.3144 Full and public disclosure of financial  
23 interests.--

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

29 (2)(1) ~~A~~ No person who is required, pursuant to s. 8,  
30 Art. II of the State Constitution, to file a full and public  
31 disclosure of financial interests and who has filed a full and

1 public disclosure of financial interests for any calendar or  
2 fiscal year shall not be required to file a statement of  
3 financial interests pursuant to s. 112.3145(2) and (3) for the  
4 same year or for any part thereof notwithstanding any  
5 requirement of this part, except that a candidate for office  
6 shall file a copy of his or her disclosure with the officer  
7 before whom he or she qualifies.

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

- 14 (a) Jewelry;
- 15 (b) Collections of stamps, guns, and numismatic  
16 properties;
- 17 (c) Art objects;
- 18 (d) Household equipment and furnishings;
- 19 (e) Clothing;
- 20 (f) Other household items; and
- 21 (g) Vehicles for personal use.

22 ~~(4)(3)~~ Forms for compliance with the full and public  
23 disclosure requirements of s. 8, Art. II of the State  
24 Constitution, ~~and a current list of persons required to file~~  
25 ~~full and public disclosure by s. 8, Art. II of the State~~  
26 ~~Constitution, or other state law, shall be created provided by~~  
27 the Commission on Ethics. The commission ~~to the Secretary of~~  
28 ~~State, who~~ shall give notice of disclosure deadlines and  
29 delinquencies and distribute forms in the following manner:

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

1 addresses of and the offices held by every person required to  
2 file full and public disclosure annually by s. 8, Art. II of  
3 the State Constitution, or other state law, ~~and shall provide~~  
4 ~~the Secretary of State with the mailing list.~~ In compiling the  
5 list, the commission shall be assisted by each unit of  
6 government in providing at the request of the commission the  
7 name, address, and name of the office held by each public  
8 official within the respective unit of government.

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

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

29 (d) Statements must be filed not later than 5 p.m. of  
30 the due date. However, any statement that is postmarked by the  
31 United States Postal Service by midnight of the due date is



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

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

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

30 1. The amount of the fine due is based upon the  
31 earliest of the following:

1           a. When a statement is actually received by the  
2 office.

3           b. When the statement is postmarked.

4           c. When the certificate of mailing is dated.

5           d. When the receipt from an established courier  
6 company is dated.

7           2. Upon receipt of the disclosure statement or upon  
8 accrual of the maximum penalty, whichever occurs first, the  
9 commission shall determine the amount of the fine which is due  
10 and shall notify the delinquent person. The notice must  
11 include an explanation of the appeal procedure under  
12 subparagraph 3. Such fine must be paid within 30 days after  
13 the notice of payment due is transmitted, unless appeal is  
14 made to the commission pursuant to subparagraph 3. The moneys  
15 shall be deposited into the General Revenue Fund.

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

27           (f)(e) Any person subject to the annual filing of full  
28 and public disclosure under s. 8, Art. II of the State  
29 Constitution, or other state law, whose name is not on the  
30 commission's mailing list of persons required to file full and  
31 public disclosure is ~~provided to the Secretary of State shall~~

1 not subject to the fines or penalties provided in this part ~~be~~  
2 ~~deemed delinquent~~ for failure to file full and public  
3 disclosure in any year in which the omission occurred, but  
4 nevertheless is required to file the disclosure statement.

5 (g)(f) The notification requirements and fines of this  
6 subsection do not apply to candidates or to the first filing  
7 required of any person appointed to elective constitutional  
8 office or other position required to file full and public  
9 disclosure, unless the person's name is on the commission's  
10 notification list and the person received notification from  
11 the commission. The appointing official shall notify such  
12 newly appointed person of the obligation to file full and  
13 public disclosure by July 1. The notification requirements and  
14 fines of this subsection do not apply to the final filing  
15 provided for in subsection (5).

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

25 (5) Each person required to file full and public  
26 disclosure of financial interests shall file a final  
27 disclosure statement within 60 days after leaving his or her  
28 public position for the period between January 1 of the year  
29 in which the person leaves and the last day of office or  
30 employment, unless within the 60-day period the person takes  
31 another public position requiring financial disclosure under

1 s. 8 of Art. II of the State Constitution, or is otherwise  
2 required to file full and public disclosure for the final  
3 disclosure period. The head of the agency of each person  
4 required to file full and public disclosure for the final  
5 disclosure period shall notify such persons of their  
6 obligation to file the final disclosure and may designate a  
7 person to be responsible for the notification requirements of  
8 this subsection.

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

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

23 112.3145 Disclosure of financial interests and clients  
24 represented before agencies.--

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

27 (a) "Local officer" means:

28 1. Every person who is elected to office in any  
29 political subdivision of the state, and every person who is  
30 appointed to fill a vacancy for an unexpired term in such an  
31 elective office.

1           2. Any appointed member of any of the following  
2 boards, councils, commissions, authorities, or other bodies of  
3 any county, municipality, school district, independent special  
4 district, or other political subdivision of the state:

5           a. The governing body of the political subdivision, if  
6 appointed;

7           b. An expressway authority or transportation authority  
8 established by general law;

9           c. A community college or junior college district  
10 board of trustees;

11           d. A board having the power to enforce local code  
12 provisions;

13           e. A planning or zoning board, board of adjustment,  
14 board of appeals, or other board having the power to  
15 recommend, create, or modify land planning or zoning within  
16 the political subdivision, except for citizen advisory  
17 committees, technical coordinating committees, and such other  
18 groups who only have the power to make recommendations to  
19 planning or zoning boards;

20           f. A pension board or retirement board having the  
21 power to invest pension or retirement funds or the power to  
22 make a binding determination of one's entitlement to or amount  
23 of a pension or other retirement benefit; or

24           g. Any other appointed member of a local government  
25 board who is required to file a statement of financial  
26 interests by the appointing authority or the enabling  
27 legislation, ordinance, or resolution creating the board.~~a~~  
28 ~~board; commission; authority, including any expressway~~  
29 ~~authority or transportation authority established by general~~  
30 ~~law; community college district board of trustees; or council~~  
31 ~~of any political subdivision of the state, excluding any~~

1 ~~member of an advisory body. A governmental body with~~  
2 ~~land-planning, zoning, or natural resources responsibilities~~  
3 ~~shall not be considered an advisory body.~~

4           3. Any person holding one or more of the following  
5 positions: mayor; county or city manager; chief administrative  
6 employee of a county, municipality, or other political  
7 subdivision; county or municipal attorney; chief county or  
8 municipal building inspector; county or municipal water  
9 resources coordinator; county or municipal pollution control  
10 director; county or municipal environmental control director;  
11 county or municipal administrator, with power to grant or deny  
12 a land development permit; chief of police; fire chief;  
13 municipal clerk; district school superintendent; community  
14 college president; district medical examiner; or purchasing  
15 agent having the authority to make any purchase exceeding the  
16 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
17 on behalf of any political subdivision of the state or any  
18 entity thereof.

19           (b) "Specified state employee" means:

20           1. Public counsel created by chapter 350, an assistant  
21 state attorney, an assistant public defender, a full-time  
22 state employee who serves as counsel or assistant counsel to  
23 any state agency, a judge of compensation claims, an  
24 administrative law judge, or a hearing officer.

25           2. Any person employed in the office of the Governor  
26 or in the office of any member of the Cabinet if that person  
27 is exempt from the Career Service System, except persons  
28 employed in clerical, secretarial, or similar positions.

29           3. Each appointed secretary, assistant secretary,  
30 deputy secretary, executive director, assistant executive  
31 director, or deputy executive director of each state

1 department, commission, board, or council; unless otherwise  
2 provided, the division director, assistant division director,  
3 deputy director, bureau chief, and assistant bureau chief of  
4 any state department or division; or any person having the  
5 power normally conferred upon such persons, by whatever title.

6 4. The superintendent or institute director of a state  
7 mental health institute established for training and research  
8 in the mental health field or the superintendent or director  
9 of any major state institution or facility established for  
10 corrections, training, treatment, or rehabilitation.

11 5. Business managers, purchasing agents having the  
12 power to make any purchase exceeding the threshold amount  
13 provided for in s. 287.017 for CATEGORY ONE, finance and  
14 accounting directors, personnel officers, or grants  
15 coordinators for any state agency.

16 6. Any person, other than a legislative assistant  
17 exempted by the presiding officer of the house by which the  
18 legislative assistant is employed, who is employed in the  
19 legislative branch of government, except persons employed in  
20 maintenance, clerical, secretarial, or similar positions.

21 7. Each employee of the Commission on Ethics.

22 (c) "State officer" means:

23 1. Any elected public officer, excluding those elected  
24 to the United States Senate and House of Representatives, not  
25 covered elsewhere in this part and any person who is appointed  
26 to fill a vacancy for an unexpired term in such an elective  
27 office.

28 2. An appointed member of each board, commission,  
29 authority, or council having statewide jurisdiction, excluding  
30 a member of an advisory body.

31

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

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

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

28           (c) State officers, ~~persons qualifying for a state~~  
29 ~~office,~~ and specified state employees shall file their  
30 statements of financial interests with the Commission on  
31 Ethics Secretary of State. Local officers shall file their



1 statements of financial interests with the supervisor of  
 2 elections of the county in which they permanently reside.  
 3 Local officers who do not permanently reside in any county in  
 4 the state shall file their statements of financial interests  
 5 with the supervisor of elections of the county in which their  
 6 agency maintains its headquarters. Persons seeking to qualify  
 7 as candidates for local public office shall file their  
 8 statements of financial interests with the officer before whom  
 9 they qualify.

10 (3) The statement of financial interests for state  
 11 officers, specified state employees, local officers, and  
 12 persons seeking to qualify as candidates for state or local  
 13 office shall be filed even if the reporting person holds no  
 14 financial interests requiring disclosure, in which case the  
 15 statement shall be marked "not applicable." Otherwise, the  
 16 statement of financial interests shall include, at the filer's  
 17 option, either:

18 (a)1. All sources of income in excess of 5 percent of  
 19 the gross income received during the disclosure period by the  
 20 person in his or her own name or by any other person for his  
 21 or her use or benefit, excluding public salary. However, this  
 22 shall not be construed to require disclosure of a business  
 23 partner's sources of income. The person reporting shall list  
 24 such sources in descending order of value with the largest  
 25 source first;-

26 2.(b) All sources of income to a business entity in  
 27 excess of 10 percent of the gross income of a business entity  
 28 in which the reporting person held a material interest and  
 29 from which he or she received an amount which was in excess of  
 30 10 percent of his or her gross income during the disclosure  
 31 period and which exceeds \$1,500. The period for computing the

1 gross income of the business entity is the fiscal year of the  
2 business entity which ended on, or immediately prior to, the  
3 end of the disclosure period of the person reporting;~~—~~

4 ~~3.(c)~~ The location or description of real property in  
5 this state, except for residences and vacation homes, owned  
6 directly or indirectly by the person reporting, when such  
7 person owns in excess of 5 percent of the value of such real  
8 property, and a general description of any intangible personal  
9 property worth in excess of 10 percent of such person's total  
10 assets. For the purposes of this paragraph, indirect  
11 ownership does not include ownership by a spouse or minor  
12 child; and—

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

15 (b)1. All sources of gross income in excess of \$2,500  
16 received during the disclosure period by the person in his or  
17 her own name or by any other person for his or her use or  
18 benefit, excluding public salary. However, this shall not be  
19 construed to require disclosure of a business partner's  
20 sources of income. The person reporting shall list such  
21 sources in descending order of value with the largest source  
22 first;

23 2. All sources of income to a business entity in  
24 excess of 10 percent of the gross income of a business entity  
25 in which the reporting person held a material interest and  
26 from which he or she received gross income exceeding \$5,000  
27 during the disclosure period. The period for computing the  
28 gross income of the business entity is the fiscal year of the  
29 business entity which ended on, or immediately prior to, the  
30 end of the disclosure period of the person reporting;

31

1           3. The location or description of real property in  
2 this state, except for residence and vacation homes, owned  
3 directly or indirectly by the person reporting, when such  
4 person owns in excess of 5 percent of the value of such real  
5 property, and a general description of any intangible personal  
6 property worth in excess of \$10,000. For the purpose of this  
7 paragraph, indirect ownership does not include ownership by a  
8 spouse or minor child; and

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

10           (4) Each elected constitutional officer, state  
11 officer, local officer, and specified state employee shall  
12 file a quarterly report of the names of clients represented  
13 for a fee or commission, except for appearances in ministerial  
14 matters, before agencies at his or her level of government.  
15 For the purposes of this part, agencies of government shall be  
16 classified as state-level agencies or agencies below state  
17 level. Each local officer shall file such report with the  
18 supervisor of elections of the county in which the officer is  
19 principally employed or is a resident. Each state officer,  
20 elected constitutional officer, and specified state employee  
21 shall file such report with the commission ~~Secretary of State~~.  
22 The report shall be filed only when a reportable  
23 representation is made during the calendar quarter and shall  
24 be filed no later than the last day of each calendar quarter,  
25 for the previous calendar ~~15 days after the last day of the~~  
26 quarter. Representation before any agency shall be deemed to  
27 include representation by such officer or specified state  
28 employee or by any partner or associate of the professional  
29 firm of which he or she is a member and of which he or she has  
30 actual knowledge. For the purposes of this subsection, the  
31 term "representation before any agency" does not include

1 appearances before any court or Chief Judges of Compensation  
2 Claims or judges of compensation claims or representations on  
3 behalf of one's agency in one's official capacity. Such term  
4 does not include the preparation and filing of forms and  
5 applications merely for the purpose of obtaining or  
6 transferring a license based on a quota or a franchise of such  
7 agency or a license or operation permit to engage in a  
8 profession, business, or occupation, so long as the issuance  
9 or granting of such license, permit, or transfer does not  
10 require substantial discretion, a variance, a special  
11 consideration, or a certificate of public convenience and  
12 necessity.

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

31

1           (6) Forms for compliance with the disclosure  
2 requirements of this section and a current list of persons  
3 subject to disclosure shall be created ~~provided~~ by the  
4 commission ~~on Ethics to the Secretary of State~~ and provided to  
5 each supervisor of elections. The commission and each  
6 supervisor of elections, ~~who~~ shall give notice of disclosure  
7 deadlines and delinquencies and distribute forms in the  
8 following manner:

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

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

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

31

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

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

1 forms and notice as required by this subsection to all persons  
2 named on the delinquency list.

3 (e) Statements must be filed not later than 5 p.m. of  
4 the due date. However, any statement that is postmarked by the  
5 United States Postal Service by midnight of the due date is  
6 deemed to have been filed in a timely manner, and a  
7 certificate of mailing obtained from and dated by the United  
8 States Postal Service at the time of the mailing, or a receipt  
9 from an established courier company which bears a date on or  
10 before the due date, constitutes proof of mailing in a timely  
11 manner.

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

25 1. The amount of the fine due is based upon the  
26 earliest of the following:

27 a. When a statement is actually received by the  
28 office.

29 b. When the statement is postmarked.

30 c. When the certificate of mailing is dated.

31

1           d. When the receipt from an established courier  
2 company is dated.

3           2. For a specified state employee or a state officer,  
4 upon receipt of the disclosure statement by the commission or  
5 upon accrual of the maximum penalty, whichever occurs first,  
6 and for a local officer upon receipt by the commission of the  
7 certification from the local officer's supervisor of elections  
8 pursuant to paragraph (d), the commission shall determine the  
9 amount of the fine which is due and shall notify the  
10 delinquent person. The notice must include an explanation of  
11 the appeal procedure under subparagraph 3. The fine must be  
12 paid within 30 days after the notice of payment due is  
13 transmitted, unless appeal is made to the commission pursuant  
14 to subparagraph 3. The moneys are to be deposited into the  
15 General Revenue Fund.

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

27           (g)(e) Any state officer, local officer, or specified  
28 employee whose name is not on the mailing list of persons  
29 required to file an annual statement of financial interests  
30 provided to the Secretary of State or supervisor of elections  
31 is not subject to the penalties provided in s. 112.317 or the



1 fine provided in this section for failure to timely file a  
2 statement of financial interests in any year in which the  
3 omission occurred, but nevertheless is required to file the  
4 disclosure statement.

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

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

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

30 (b) The agency head of the agency of each local  
31 officer, state officer, or specified state employee who is

1 required to file a statement of financial interests for the  
2 final disclosure period shall notify such persons of their  
3 obligation to file the final disclosure and may designate a  
4 person to be responsible for the notification requirements of  
5 this paragraph.

6 (8) A public officer who has filed a disclosure for  
7 any calendar or fiscal year shall not be required to file a  
8 second disclosure for the same year or any part thereof,  
9 notwithstanding any requirement of this act, except that any  
10 public officer who qualifies as a candidate for public office  
11 shall file a copy of the disclosure with the officer before  
12 whom he or she qualifies as a candidate at the time of  
13 qualification.

14 (9) The commission shall adopt rules and forms  
15 specifying how a state officer, local officer, or specified  
16 state employee may amend his or her statement of financial  
17 interests to report information that was not included on the  
18 form as originally filed. If the amendment is the subject of a  
19 complaint filed under this part, the commission and the proper  
20 disciplinary official or body shall consider as a mitigating  
21 factor when considering appropriate disciplinary action the  
22 fact that the amendment was filed before any complaint or  
23 other inquiry or proceeding, while recognizing that the public  
24 was deprived of access to information to which it was  
25 entitled.

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

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

31

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

4           (2) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

25 (d) Transportation shall be valued on a round-trip  
26 basis unless only one-way transportation is provided.  
27 Round-trip transportation expenses shall be considered a  
28 single gift. Transportation provided in a private conveyance  
29 shall be given the same value as transportation provided in a  
30 comparable commercial conveyance.

31

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

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

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

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

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

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

30           (k) The value of a gift of an admission ticket shall  
31 not include that portion of the cost which represents a

1 charitable contribution, if the gift is provided by the  
2 charitable organization.

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

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

17 (b) The statement shall include:

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

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

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

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

31

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

5 (9) A person, other than a lobbyist regulated under s.  
6 11.045, who violates the provisions of subsection (5) commits  
7 a noncriminal infraction, punishable by a fine of not more  
8 than \$5,000 and by a prohibition on lobbying, or employing a  
9 lobbyist to lobby, before the agency of the reporting  
10 individual or procurement employee to which the gift was given  
11 in violation of subsection (5), for a period of not more than  
12 24 months. The state attorney, or an agency, if otherwise  
13 authorized, may initiate an action to impose or recover a fine  
14 authorized under this section or to impose or enforce a  
15 limitation on lobbying provided in this section.

16 (10) A member of the Legislature may request an  
17 advisory opinion from the general counsel of the house of  
18 which he or she is a member as to the application of this  
19 section to a specific situation. The general counsel shall  
20 issue the opinion within 10 days after receiving the request.  
21 The member of the Legislature may reasonably rely on such  
22 opinion.

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

25 112.3149 Solicitation and disclosure of honoraria.--

26 (6) A reporting individual or procurement employee who  
27 receives payment or provision of expenses related to any  
28 honorarium event from a person who is prohibited by subsection  
29 (4) from paying an honorarium to a reporting individual or  
30 procurement employee shall publicly disclose on an annual  
31 statement the name, address, and affiliation of the person

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

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

23 112.321 Membership, terms; travel expenses; staff.--  
 24 (1) The commission shall be composed of nine members.  
 25 Five of these members shall be appointed by the Governor, no  
 26 more than three of whom shall be from the same political  
 27 party, subject to confirmation by the Senate. One member  
 28 appointed by the Governor shall be a former city or county  
 29 official and may be a former member of a local planning or  
 30 zoning board which has only advisory duties. Two members  
 31 shall be appointed by the Speaker of the House of

1 Representatives, and two members shall be appointed by the  
 2 President of the Senate. Neither the Speaker of the House of  
 3 Representatives nor the President of the Senate shall appoint  
 4 more than one member from the same political party. Of the  
 5 nine members of the Commission, no more than five members  
 6 shall be from the same political party at any one time.No  
 7 member may hold any public employment. All members shall  
 8 serve 2-year terms. No member shall serve more than two full  
 9 terms in succession. Any member of the commission may be  
 10 removed for cause by majority vote of the Governor, the  
 11 President of the Senate, the Speaker of the House of  
 12 Representatives, and the Chief Justice of the Supreme Court.

13 Section 7. Subsection (9) of section 112.322, Florida  
 14 Statutes, is repealed.

15 Section 8. 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

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 9. Sections 839.08, 839.09, 839.091, and  
30 839.10, Florida Statutes, are repealed.

31

1           Section 10. Section 112.3232, Florida Statutes, is  
2 created to read:

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

15           Section 11. The provisions of this act requiring a  
16 person to file a final disclosure statement within 60 days  
17 after leaving his or her public position, including the  
18 notification requirements relating to final filings, apply to  
19 persons leaving office or employment on or after the date this  
20 act becomes a law.

21           Section 12. Section 112.3147, Florida Statutes, is  
22 amended to read:

23           112.3147 Forms.--

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

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



1 individual's legal percentage of ownership in the property,  
2 except that assets held jointly with the reporting  
3 individual's spouse shall be reported at 100 percent of the  
4 value of the asset. For purposes of this subsection, a  
5 reporting individual is deemed to own an interest in a  
6 partnership which corresponds to the reporting individual's  
7 interest in the capital or equity of the partnership.

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

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

22 Section 13. The Commission on Ethics is directed to  
23 develop a plan to implement a course of study regarding the  
24 requirements of the Sunshine Amendment and Code of Ethics for  
25 Public Officers and Employees in chapter 119, the public  
26 records law of chapter 119, the public meetings law in chapter  
27 286 and chapter 838, for each elected public officer and each  
28 person appointed to hold elective public office. The  
29 Commission is further directed to submit to the President of  
30 the Senate, and the Speaker of the House of Representatives,  
31 by the 2001 Legislative Session, a report outlining the

1 implementation of a course of study which shall include the  
2 cost estimates for developing, implementing and sustaining the  
3 course of study set forth herein.

4           Section 14. This act shall take effect January 1,  
5 2001.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31