

By the Committee on Ethics and Elections; and Senators
Saunders, Rossin, Hargrett, Sebesta and Kirkpatrick

313-1132-00

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

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

1 paid; entitling the Attorney General to
2 reimbursement of fees and costs associated with
3 collecting civil and restitution penalties
4 imposed for ethics violations; removing a
5 criminal penalty related to the disclosure of
6 confidential information brought before the
7 commission; amending s. 112.3185, F.S.;
8 creating a post-employment restriction for
9 certain agency employees; amending s. 112.324,
10 F.S.; authorizing the Commission on Ethics to
11 investigate potential ethics violations on its
12 own authority under certain circumstances;
13 clarifying that the proper sanction authority
14 in the case of a current state legislator who
15 commits an act in violation of the Ethics Code
16 prior to joining the Legislature is vested in
17 the house in which the legislator serves;
18 amending s. 914.21, F.S.; redefining the terms
19 "official proceeding" and "official
20 investigation"; extending the witness-tampering
21 laws to include Commission on Ethics
22 investigations and proceedings; repealing s.
23 112.322(9), F.S., which requires the Commission
24 on Ethics to report certain delinquent
25 financial disclosure filers to the Department
26 of Community Affairs; amending s. 440.442,
27 F.S.; transferring the filing location for
28 public financial reporting by judges of
29 compensation claims from the Secretary of State
30 to the Commission on Ethics; clarifying that
31 the Code of Judicial Conduct governs the

1 reporting of gifts for judges of compensation
2 claims; repealing ss. 839.08, 839.09, 839.091,
3 and 839.10, F.S., which provide criminal
4 penalties for offenses by public officers and
5 employees relating to the purchase of supplies
6 or materials and the bidding for public work;
7 creating s. 112.3232, F.S.; authorizing the
8 Commission on Ethics to seek immunity for
9 certain witnesses; creating s. 112.31905, F.S.;
10 mandating educational requirements for elected
11 public officials; amending s. 112.322, F.S.;
12 authorizing the Commission on Ethics to develop
13 and disseminate ethics training materials and
14 programs; amending s. 112.3147, F.S.;
15 authorizing the Commission on Ethics to
16 prescribe forms relating to the public official
17 education requirements; appropriating funds to
18 the Commission on Ethics; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (12) and (14) of section
24 112.312, Florida Statutes, are amended to read:

25 112.312 Definitions.--As used in this part and for
26 purposes of the provisions of s. 8, Art. II of the State
27 Constitution, unless the context otherwise requires:

28 (12)(a) "Gift," for purposes of ethics in government
29 and financial disclosure required by law, means that which is
30 accepted by a donee or by another on the donee's behalf, or
31 that which is paid or given to another for or on behalf of a

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

- 1 (b) "Gift" does not include:
- 2 1. Salary, benefits, services, fees, commissions,
3 gifts, or expenses associated primarily with the donee's
4 employment, business, or service as an officer or director of
5 a corporation or organization.
- 6 2. Contributions or expenditures reported pursuant to
7 chapter 106, campaign-related personal services provided
8 without compensation by individuals volunteering their time,
9 or any other contribution or expenditure by a political party.
- 10 3. An honorarium or an expense related to an
11 honorarium event paid to a person or the person's spouse.
- 12 4. An award, plaque, certificate, or similar
13 personalized item given in recognition of the donee's public,
14 civic, charitable, or professional service.
- 15 5. An honorary membership in a service or fraternal
16 organization presented merely as a courtesy by such
17 organization.
- 18 6. The use of a public facility or public property,
19 made available by a governmental agency, for a public purpose.
- 20 7. Transportation provided to a public officer or
21 employee by an agency in relation to officially approved
22 governmental business.
- 23 8. Gifts provided directly or indirectly by a state,
24 regional, or national organization which promotes the exchange
25 of ideas between, or the professional development of,
26 governmental officials or employees, and whose membership is
27 primarily composed of elected or appointed public officials or
28 staff, to members of that organization or officials or staff
29 of a governmental agency that is a member of that
30 organization.
- 31

1 (c) For the purposes of paragraph (a), "intangible
2 personal property" means property as defined in s.
3 192.001(11)(b).

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

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

17 Section 2. Subsections (8) and (14) of section
18 112.313, Florida Statutes, are amended to read:

19 112.313 Standards of conduct for public officers,
20 employees of agencies, and local government attorneys.--

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

30 (14) LOBBYING BY FORMER LOCAL OFFICERS;
31 PROHIBITION.--A person who has been elected to any county,

1 municipal, special district, or school district office may not
2 personally represent another person or entity for compensation
3 before the government governing body or agency of which the
4 person was an officer for a period of 2 years after vacating
5 that office. The provisions of this subsection shall not apply
6 to elected officers holding office as of October 1, 1992,
7 until after their next election, and shall not apply to
8 elected officers of school districts holding office on January
9 1, 1995, until after their next election.

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

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

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

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

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

1 valued at over \$1,000 in the aggregate, may be reported in a
2 lump sum and identified as "household goods and personal
3 effects":

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

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

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

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

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

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

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

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

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

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

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

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

24 b. When the statement is postmarked.

25 c. When the certificate of mailing is dated.

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

28 2. Upon receipt of the disclosure statement or upon
29 accrual of the maximum penalty, whichever occurs first, the
30 commission shall determine the amount of the fine which is due
31 and shall notify the delinquent person. The notice must

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

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

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

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

1 the commission. The appointing official shall notify such
2 newly appointed person of the obligation to file full and
3 public disclosure by July 1. The notification requirements and
4 finances of this subsection do not apply to the final filing
5 provided for in subsection (5).

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

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

30 (6) The commission shall adopt rules and forms
31 specifying how a person who is required to file full and

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

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

13 112.3145 Disclosure of financial interests and clients
14 represented before agencies.--

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

17 (a) "Local officer" means:

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

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

26 a. The governing body of the political subdivision, if
27 appointed;

28 b. An expressway authority or transportation authority
29 established by general law;

30 c. A community college or junior college district
31 board of trustees;

1 d. A board having the power to enforce local code
2 provisions;

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

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

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

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

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

9 (b) "Specified state employee" means:

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

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

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

27 4. The superintendent or institute director of a state
28 mental health institute established for training and research
29 in the mental health field or the superintendent or director
30 of any major state institution or facility established for
31 corrections, training, treatment, or rehabilitation.

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

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

11 7. Each employee of the Commission on Ethics.

12 (c) "State officer" means:

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

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

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

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

28 (b) Each state or local officer and each specified
29 state employee shall file a statement of financial interests
30 no later than July 1 of each year. Each state officer, local
31 officer, and specified state employee shall file a final

1 statement of financial interests within 60 days after leaving
2 his or her public position for the period between January 1 of
3 the year in which the person leaves office and the last day of
4 office or employment, unless within the 60-day period the
5 person takes another public position requiring financial
6 disclosure under this section or s. 8, Art. II of the State
7 Constitution or otherwise is required to file full and public
8 disclosure or a statement of financial interests for the final
9 disclosure period.Each state or local officer who is
10 appointed and each specified state employee who is employed
11 shall file a statement of financial interests within 30 days
12 from the date of appointment or, in the case of a specified
13 state employee, from the date on which the employment begins,
14 except that any person whose appointment is subject to
15 confirmation by the Senate shall file prior to confirmation
16 hearings or within 30 days from the date of appointment,
17 whichever comes first.

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

31

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

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

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

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

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

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

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

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

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

30 4. Every liability in excess of \$10,000.
31

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

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

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

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

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

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

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

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

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

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

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

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

1 (f) Any person who is required to file a statement of
2 financial interests and whose name is on the commission's
3 mailing list but who fails to timely file is assessed a fine
4 of \$25 per day for each day late up to a maximum of \$1,500;
5 however, this \$1,500 limitation on automatic fines does not
6 limit the civil penalty that may be imposed if the statement
7 is filed more than 60 days after the deadline and a complaint
8 is filed, as provided in s. 112.324. The commission must
9 provide by rule the grounds for waiving the fine and
10 procedures by which each person whose name is on the mailing
11 list and who is determined to have not filed in a timely
12 manner will be notified of assessed fines and may appeal. The
13 rule must provide for and make specific the following:
14 1. The amount of the fine due is based upon the
15 earliest of the following:
16 a. When a statement is actually received by the
17 office.
18 b. When the statement is postmarked.
19 c. When the certificate of mailing is dated.
20 d. When the receipt from an established courier
21 company is dated.
22 2. For a specified state employee or a state officer,
23 upon receipt of the disclosure statement by the commission or
24 upon accrual of the maximum penalty, whichever occurs first,
25 and for a local officer upon receipt by the commission of the
26 certification from the local officer's supervisor of elections
27 pursuant to paragraph (d), the commission shall determine the
28 amount of the fine which is due and shall notify the
29 delinquent person. The notice must include an explanation of
30 the appeal procedure under subparagraph 3. The fine must be
31 paid within 30 days after the notice of payment due is

1 transmitted, unless appeal is made to the commission pursuant
2 to subparagraph 3. The moneys are to be deposited into the
3 General Revenue Fund.

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

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

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

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

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

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

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

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

1 whom he or she qualifies as a candidate at the time of
2 qualification.

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

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

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

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

23 (2) As used in this section:

24 (a) "Immediate family" means any parent, spouse,
25 child, or sibling.

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

1 recommendation by the reporting individual or procurement
2 employee or his or her agency.

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

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

21 (d) "Reporting individual" means any individual,
22 including a candidate upon qualifying, who is required by law,
23 pursuant to s. 8, Art. II of the State Constitution or s.
24 112.3145, to file full or limited public disclosure of his or
25 her financial interests or any individual who has been elected
26 to, but has yet to officially assume the responsibilities of,
27 public office. For purposes of implementing this section, the
28 "agency" of a reporting individual who is not an officer or
29 employee in public service is the agency to which the
30 candidate seeks election, or in the case of an individual
31

1 elected to but yet to formally take office, the agency in
2 which the individual has been elected to serve.

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

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

24 (4) A reporting individual or procurement employee or
25 any other person on his or her behalf is prohibited from
26 knowingly accepting, directly or indirectly, a gift from a
27 political committee or committee of continuous existence, as
28 defined in s. 106.011, or from a lobbyist who lobbies the
29 reporting individual's or procurement employee's agency, or
30 directly or indirectly on behalf of the partner, firm,
31 employer, or principal of a lobbyist, if he or she knows or

1 reasonably believes that the gift has a value in excess of
2 \$100; however, such a gift may be accepted by such person on
3 behalf of a governmental entity or a charitable organization.
4 If the gift is accepted on behalf of a governmental entity or
5 charitable organization, the person receiving the gift shall
6 not maintain custody of the gift for any period of time beyond
7 that reasonably necessary to arrange for the transfer of
8 custody and ownership of the gift.

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

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

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

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

27 (b) Notwithstanding the provisions of subsection (4),
28 a reporting individual or procurement employee may accept a
29 gift having a value in excess of \$100 from an entity of the
30 legislative or judicial branch, a department or commission of
31 the executive branch, a water management district created

1 pursuant to s. 373.069, Tri-County Commuter Rail Authority, a
2 county, a municipality, an airport authority, or a school
3 board if a public purpose can be shown for the gift; and a
4 reporting individual or procurement employee who is an officer
5 or employee of a governmental entity supported by a
6 direct-support organization specifically authorized by law to
7 support such governmental entity may accept such a gift from
8 such direct-support organization.

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

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

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

21 (7)(a) The value of a gift provided to a reporting
22 individual or procurement employee shall be its fair market
23 value determined using actual cost to the donor, less taxes
24 and gratuities, except as otherwise provided in this
25 subsection, and, with respect to personal services provided by
26 the donor, the reasonable and customary charge regularly
27 charged for such service in the community in which the service
28 is provided shall be used. If additional expenses are
29 required as a condition precedent to eligibility of the donor
30 to purchase or provide a gift and such expenses are primarily
31 for the benefit of the donor or are of a charitable nature,

1 such expenses shall not be included in determining the value
2 of the gift.

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

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

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

18 (e) Lodging provided on consecutive days shall be
19 considered a single gift. Lodging in a private residence
20 shall be valued at the per diem rate provided in s.
21 112.061(6)(a)1. less the meal allowance rate provided in s.
22 112.061(6)(b).

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

31

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

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

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

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

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

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

- 30 1. Gifts from relatives.

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1 2. Gifts prohibited by subsection (4) or s.
2 112.313(4).
3 3. Gifts otherwise required to be disclosed by this
4 section.
5 (b) The statement shall include:
6 1. A description of the gift, the monetary value of
7 the gift, the name and address of the person making the gift,
8 and the dates thereof. If any of these facts, other than the
9 gift description, are unknown or not applicable, the report
10 shall so state.
11 2. A copy of any receipt for such gift provided to the
12 reporting individual or procurement employee by the donor.
13 (c) The statement may include an explanation of any
14 differences between the reporting individual's or procurement
15 employee's statement and the receipt provided by the donor.
16 (d) The reporting individual's or procurement
17 employee's statement shall be sworn to by such person as being
18 a true, accurate, and total listing of all such gifts.
19 (e) If a reporting individual or procurement employee
20 has not received any gifts described in paragraph (a) during a
21 calendar quarter, he or she is not required to file a
22 statement under this subsection for that calendar quarter.
23 (9) A person, other than a lobbyist regulated under s.
24 11.045, who violates the provisions of subsection (5) commits
25 a noncriminal infraction, punishable by a fine of not more
26 than \$5,000 and by a prohibition on lobbying, or employing a
27 lobbyist to lobby, before the agency of the reporting
28 individual or procurement employee to which the gift was given
29 in violation of subsection (5), for a period of not more than
30 24 months. The state attorney, or an agency, if otherwise
31 authorized, may initiate an action to impose or recover a fine

1 authorized under this section or to impose or enforce a
2 limitation on lobbying provided in this section.

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

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

12 112.3149 Solicitation and disclosure of honoraria.--

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

1 become a public record upon the filing of the annual report.
2 The annual statement of a reporting individual shall be filed
3 with the financial disclosure statement required by either s.
4 8, Art. II of the State Constitution or s. 112.3145, as
5 applicable to the reporting individual. The annual statement
6 of a procurement employee shall be filed with the Commission
7 on Ethics ~~Department of State~~.

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

10 112.317 Penalties.--

11 (1) Violation of any provision of this part,
12 including, but not limited to, any failure to file any
13 disclosures required by this part or violation of any standard
14 of conduct imposed by this part, or violation of any provision
15 of s. 8, Art. II of the State Constitution, in addition to any
16 criminal penalty or other civil penalty involved, shall,
17 pursuant to applicable constitutional and statutory
18 procedures, constitute grounds for, and may be punished by,
19 one or more of the following:

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

- 21 1. Impeachment.
- 22 2. Removal from office.
- 23 3. Suspension from office.
- 24 4. Public censure and reprimand.
- 25 5. Forfeiture of no more than one-third salary per
26 month for no more than 12 months.
- 27 6. A civil penalty not to exceed \$10,000.
- 28 7. Restitution of any pecuniary benefits received
29 because of the violation committed. The commission may
30 recommend that the restitution penalty be paid to the agency

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1 of which the public officer was a member or to the General
2 Revenue Fund of the state.

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

6 1. Dismissal from employment.

7 2. Suspension from employment for not more than 90
8 days without pay.

9 3. Demotion.

10 4. Reduction in salary level.

11 5. Forfeiture of no more than one-third salary per
12 month for no more than 12 months.

13 6. A civil penalty not to exceed \$10,000.

14 7. Restitution of any pecuniary benefits received
15 because of the violation committed. The commission may
16 recommend that the restitution penalty be paid to the agency
17 by which such employee was employed or by which such officer
18 was deemed to be an employee or to the General Revenue Fund of
19 the state.

20 8. Public censure and reprimand.

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

24 1. Disqualification from being on the ballot.

25 2. Public censure.

26 3. Reprimand.

27 4. A civil penalty not to exceed \$10,000.

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

1 1. Public censure and reprimand.
2 2. A civil penalty not to exceed \$10,000.
3 3. Restitution of any pecuniary benefits received
4 because of the violation committed. The commission may
5 recommend that the restitution penalty be paid to the agency
6 of such public officer or employee or the General Revenue Fund
7 of the state.

8 (2) In any case in which the commission finds a
9 violation of this part or of s. 8, Art. II of the State
10 Constitution and the proper disciplinary official or body
11 under s. 112.324 imposes recommends a civil penalty or
12 restitution penalty, the Attorney General shall bring a civil
13 action to recover such penalty. No defense may be raised in
14 the civil action to enforce the civil penalty or order of
15 restitution that could have been raised by judicial review of
16 the administrative findings and recommendations of the
17 commission by certiorari to the district court of appeal. The
18 Attorney General shall be entitled to collect any costs,
19 attorney's fees, expert witness fees, or other costs of
20 collection incurred in bringing such actions.

21 ~~(6) Any person who willfully discloses, or permits to~~
22 ~~be disclosed, his or her intention to file a complaint, the~~
23 ~~existence or contents of a complaint which has been filed with~~
24 ~~the commission, or any document, action, or proceeding in~~
25 ~~connection with a confidential preliminary investigation of~~
26 ~~the commission, before such complaint, document, action, or~~
27 ~~proceeding becomes a public record as provided herein commits~~
28 ~~a misdemeanor of the first degree, punishable as provided in~~
29 ~~s. 775.082 or s. 775.083.~~

30 (6)(7) In any case in which the commission finds
31 probable cause to believe that a complainant has committed

1 perjury in regard to any document filed with, or any testimony
2 given before, the commission, it shall refer such evidence to
3 the appropriate law enforcement agency for prosecution and
4 taxation of costs.

5 (7)~~(8)~~ In any case in which the commission determines
6 that a person has filed a complaint against a public officer
7 or employee with a malicious intent to injure the reputation
8 of such officer or employee by filing the complaint with
9 knowledge that the complaint contains one or more false
10 allegations or with reckless disregard for whether the
11 complaint contains false allegations of fact material to a
12 violation of this part, the complainant shall be liable for
13 costs plus reasonable attorney's fees incurred in the defense
14 of the person complained against, including the costs and
15 reasonable attorney's fees incurred in proving entitlement to
16 and the amount of costs and fees. If the complainant fails to
17 pay such costs and fees voluntarily within 30 days following
18 such finding by the commission, the commission shall forward
19 such information to the Department of Legal Affairs, which
20 shall bring a civil action in a court of competent
21 jurisdiction to recover the amount of such costs and fees
22 awarded by the commission.

23 Section 8. Section 112.3185, Florida Statutes, is
24 amended to read:

25 112.3185 Additional standards for state agency
26 employees ~~Contractual services~~.--

27 (1) For the purposes of this section:

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

30 (b) "Agency" means any state officer, department,
31 board, commission, or council of the executive or judicial

1 branch of state government and includes the Public Service
2 Commission.

3 (2) No agency employee who participates through
4 decision, approval, disapproval, recommendation, preparation
5 of any part of a purchase request, influencing the content of
6 any specification or procurement standard, rendering of
7 advice, investigation, or auditing or in any other advisory
8 capacity in the procurement of contractual services shall
9 become or be, while an agency employee, the employee of a
10 person contracting with the agency by whom the employee is
11 employed.

12 (3) No agency employee shall, after retirement or
13 termination, have or hold any employment or contractual
14 relationship with any business entity other than an agency in
15 connection with any contract in which the agency employee
16 participated personally and substantially through decision,
17 approval, disapproval, recommendation, rendering of advice, or
18 investigation while an officer or employee.

19 (4) No agency employee shall, within 2 years after
20 retirement or termination, have or hold any employment or
21 contractual relationship with any business entity other than
22 an agency in connection with any contract for contractual
23 services which was within his or her responsibility while an
24 employee.

25 (5) The sum of money paid to a former agency employee
26 during the first year after the cessation of his or her
27 responsibilities, by the agency with whom he or she was
28 employed, for contractual services provided to the agency,
29 shall not exceed the annual salary received on the date of
30 cessation of his or her responsibilities. The provisions of
31 this subsection may be waived by the agency head for a

1 particular contract if the agency head determines that such
2 waiver will result in significant time or cost savings for the
3 state.

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

10 (7) No agency employee shall, after retirement or
11 termination, represent or advise another person or entity,
12 except the state, in any matter in which the employee
13 participated personally and substantially in his or her
14 official capacity through decision, approval, disapproval,
15 recommendation, rendering of advice, investigation, or
16 otherwise while an employee. The term "matter" includes any
17 judicial or other proceeding, application, request for a
18 ruling or other determination, contract, claim, controversy,
19 investigation, charge, accusation, arrest, or other particular
20 action involving a specific party or parties.

21 ~~(8)(7)~~ A violation of any provision of this section is
22 punishable in accordance with s. 112.317.

23 ~~(9)(8)~~ This section is not applicable to any employee
24 of the Public Service Commission who was so employed on or
25 before December 31, 1994.

26 Section 9. Section 112.324, Florida Statutes, is
27 amended to read:

28 112.324 Procedures on complaints of violations.--

29 ~~(1) Upon a written complaint executed on a form~~
30 ~~prescribed by the commission and signed under oath or~~
31 ~~affirmation by any person,The commission shall investigate~~

1 any alleged violation of this part or any other alleged breach
2 of the public trust within the jurisdiction of the commission
3 as provided in s. 8(f), Art. II of the State Constitution in
4 accordance with procedures set forth herein:-

5 (a) Upon a written complaint executed on a form
6 prescribed by the commission and signed under oath or
7 affirmation by any person;

8 (b) Upon receipt of reliable and publicly disseminated
9 information which at least seven of the members of the
10 commission deem sufficient to indicate a breach of the public
11 trust, provided that commission staff shall undertake no
12 formal investigation other than collecting publicly
13 disseminated information prior to a determination of
14 sufficiency by at least seven members of the commission; or

15 (c) Upon receipt of a written referral of a possible
16 violation of this part or other possible breach of the public
17 trust from the Governor, the Comptroller, a State Attorney,
18 the Executive Director of the Department of Law Enforcement,
19 or the Statewide Prosecutor, which at least seven of the
20 members of the commission deem sufficient to indicate a breach
21 of the public trust.

22
23 Within 5 days after receipt of a complaint by the commission
24 or after determination by the commission that the information
25 or referral received is deemed sufficient, a copy shall be
26 transmitted to the alleged violator. All proceedings, the
27 complaint, and other records relating to the preliminary
28 investigation as provided herein, or as provided by a
29 Commission on Ethics and Public Trust established by any
30 county defined in s. 125.011(1), shall be confidential and
31 exempt from the provisions of s. 119.07(1), and s. 24(a), Art.

1 I of the State Constitution, either until the alleged violator
2 requests in writing that such investigation and records be
3 made public records or the preliminary investigation is
4 completed, notwithstanding any provision of chapter 120 or s.
5 286.011 and s. 24(b), Art. I of the State Constitution. The
6 confidentiality requirements of this section shall not
7 prohibit the commission or its staff from sharing
8 investigative information with criminal investigative
9 agencies.In no event shall a complaint under this part
10 against a candidate in any general, special, or primary
11 election be filed or any intention of filing such a complaint
12 be disclosed on the day of any such election or within the 5
13 days immediately preceding the date of the election. The
14 confidentiality provisions of this subsection are ~~is~~ repealed
15 October 2, 2002, and must be reviewed by the Legislature
16 before that date in accordance with s. 119.15, the Open
17 Government Sunset Review Act of 1995.

18 (2) A preliminary investigation shall be undertaken by
19 the commission of each legally sufficient complaint,
20 information, or referral over which the commission has
21 jurisdiction to determine whether there is probable cause to
22 believe that a violation has occurred. If, upon completion of
23 the preliminary investigation, the commission finds no
24 probable cause to believe that this part has been violated or
25 that any other breach of the public trust has been committed,
26 the commission shall dismiss the complaint or proceeding with
27 the issuance of a public report to the complainant and the
28 alleged violator, stating with particularity its reasons for
29 dismissal ~~of the complaint~~. At that time, the complaint, the
30 proceeding, and all materials relating to the complaint and
31 proceeding shall become a matter of public record. If the

1 commission finds from the preliminary investigation probable
2 cause to believe that this part has been violated or that any
3 other breach of the public trust has been committed, it shall
4 so notify the complainant and the alleged violator in writing.
5 Such notification and all documents made or received in the
6 disposition of the complaint or proceeding shall then become
7 public records. Upon request submitted to the commission in
8 writing, any person who the commission finds probable cause to
9 believe has violated any provision of this part or has
10 committed any other breach of the public trust shall be
11 entitled to a public hearing. Such person shall be deemed to
12 have waived the right to a public hearing if the request is
13 not received within 14 days following the mailing of the
14 probable cause notification required by this subsection.
15 However, the commission may on its own motion, require a
16 public hearing, may conduct such further investigation as it
17 deems necessary, and may enter into such stipulations and
18 settlements as it finds to be just and in the best interest of
19 the State. The commission is without jurisdiction to, and no
20 respondent may voluntarily or involuntarily, enter into a
21 stipulation or settlement which imposes any penalty,
22 including, but not limited to, a sanction or admonition or any
23 other penalty contained in s. 112.317. Penalties shall be
24 imposed only by the appropriate disciplinary authority as
25 designated in this section.

26 (3) If, in cases pertaining to current members of the
27 Legislature, upon completion of a full and final investigation
28 by the commission, the commission finds that there has been a
29 violation of this part or of any provision of s. 8, Art. II of
30 the State Constitution, irrespective of whether the violative
31 act or omission occurred before or during the current member's

1 term of office,the commission shall forward a copy of the
2 complaint, information, or referral and its findings by
3 certified mail to the President of the Senate or the Speaker
4 of the House of Representatives, whichever is applicable, who
5 shall refer the matter ~~complaint~~ to the appropriate committee
6 for investigation and action which shall be governed by the
7 rules of its respective house. It shall be the duty of the
8 committee to report its final action upon the matter ~~complaint~~
9 to the commission within 90 days of the date of transmittal to
10 the respective house. Upon request of the committee, the
11 commission shall submit a recommendation as to what penalty,
12 if any, should be imposed. In the case of a member of the
13 Legislature, the house in which the member serves shall have
14 the power to invoke the penalty provisions of this part.

15 (4) If, in cases pertaining to complaints or
16 proceedings against impeachable officers, upon completion of a
17 full and final investigation by the commission, the commission
18 finds that there has been a violation of this part or of any
19 provision of s. 8, Art. II of the State Constitution, and the
20 commission finds that the violation may constitute grounds for
21 impeachment, the commission shall forward a copy of the
22 complaint, information, or referral and its findings by
23 certified mail to the Speaker of the House of Representatives,
24 who shall refer the matter ~~complaint~~ to the appropriate
25 committee for investigation and action which shall be governed
26 by the rules of the House of Representatives. It shall be the
27 duty of the committee to report its final action upon the
28 matter ~~complaint~~ to the commission within 90 days of the date
29 of transmittal.

30 (5) If the commission finds that there has been a
31 violation of this part or of any provision of s. 8, Art. II of

1 the State Constitution by an impeachable officer other than
2 the Governor, and the commission recommends public censure and
3 reprimand, forfeiture of a portion of the officer's salary, a
4 civil penalty, or restitution, the commission shall report its
5 findings and recommendation of disciplinary action to the
6 Governor, who shall have the power to invoke the penalty
7 provisions of this part.

8 (6) 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 the Governor, and the commission
11 recommends public censure and reprimand, forfeiture of a
12 portion of the Governor's salary, a civil penalty, or
13 restitution, the commission shall report its findings and
14 recommendation of disciplinary action to the Attorney General,
15 who shall have the power to invoke the penalty provisions of
16 this part.

17 (7) If, in cases pertaining to persons other than
18 ~~complaints other than complaints against~~ impeachable officers
19 or members of the Legislature, upon completion of a full and
20 final investigation by the commission, the commission finds
21 that there has been a violation of this part or of s. 8, Art.
22 II of the State Constitution, it shall be the duty of the
23 commission to report its findings and recommend appropriate
24 action to the proper disciplinary official or body as follows,
25 and such official or body shall have the power to invoke the
26 penalty provisions of this part, including the power to order
27 the appropriate elections official to remove a candidate from
28 the ballot for a violation of s. 112.3145 or s. 8(a) and (i)
29 ~~(h)~~, Art. II of the State Constitution:

30 (a) The President of the Senate and the Speaker of the
31 House of Representatives, jointly, in any case concerning the

1 Public Counsel, members of the Public Service Commission,
2 members of the Public Service Commission Nominating Council,
3 the Auditor General, members of the Legislative Committee on
4 Intergovernmental Relations, or members of the Advisory
5 Council on Environmental Education.

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

8 (c) The President of the Senate, in any case
9 concerning an employee of the Senate; the Speaker of the House
10 of Representatives, in any case concerning an employee of the
11 House of Representatives; or the President and the Speaker,
12 jointly, in any case concerning an employee of a committee of
13 the Legislature whose members are appointed solely by the
14 President and the Speaker or in any case concerning an
15 employee of the Public Counsel, Public Service Commission,
16 Auditor General, Legislative Committee on Intergovernmental
17 Relations, or Advisory Council on Environmental Education.

18 (d) Except as otherwise provided by this part, the
19 Governor, in the case of any other public officer, public
20 employee, former public officer or public employee, candidate,
21 or former candidate.

22 (e) The President of the Senate or the Speaker of the
23 House of Representatives, whichever is applicable, in any case
24 concerning a former member of the Legislature who has violated
25 a provision applicable to former members or whose violation
26 occurred while a member of the Legislature.

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

1 (9) Notwithstanding the foregoing procedures of this
2 section, a sworn complaint against any member or employee of
3 the Commission on Ethics for violation of this part or of s.
4 8, Art. II of the State Constitution shall be filed with the
5 President of the Senate and the Speaker of the House of
6 Representatives. Each presiding officer shall, after
7 determining that there are sufficient grounds for review,
8 appoint three members of their respective bodies to a special
9 joint committee who shall investigate the complaint. The
10 members shall elect a chair from among their number. If the
11 special joint committee finds insufficient evidence to
12 establish probable cause to believe a violation of this part
13 or of s. 8, Art. II of the State Constitution has occurred, it
14 shall dismiss the complaint. If, upon completion of its
15 preliminary investigation, the committee finds sufficient
16 evidence to establish probable cause to believe a violation
17 has occurred, the chair thereof shall transmit such findings
18 to the Governor who shall convene a meeting of the Governor,
19 the President of the Senate, the Speaker of the House of
20 Representatives, and the Chief Justice of the Supreme Court to
21 take such final action on the complaint as they shall deem
22 appropriate, consistent with the penalty provisions of this
23 part. Upon request of a majority of the Governor, the
24 President of the Senate, the Speaker of the House of
25 Representatives, and the Chief Justice of the Supreme Court,
26 the special joint committee shall submit a recommendation as
27 to what penalty, if any, should be imposed.

28 (10) Notwithstanding the provisions of subsections
29 (1)-(7), the commission may, at its discretion, dismiss any
30 complaint or proceeding at any stage of disposition should it
31 determine that the public interest would not be served by

1 proceeding further, in which case the commission shall issue a
2 public report stating with particularity its reasons for the
3 dismissal. The investigation of facts and parties materially
4 related to a complaint, as provided in s. 112.322(1) and
5 pursuant to the definitions contained in s. 112.312(11) and
6 (18), and the amendment of s. 112.3143 shall apply only to
7 alleged violations occurring after May 24, 1991.

8 Section 10. Section 914.21, Florida Statutes, is
9 amended to read:

10 914.21 Definitions.--As used in ss. 914.22-914.24, the
11 term:

12 (1) "Bodily injury" means:

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

14 (b) Physical pain;

15 (c) Illness;

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

18 (e) Any other injury to the body, no matter how
19 temporary.

20 (2) "Misleading conduct" means:

21 (a) Knowingly making a false statement;

22 (b) Intentionally omitting information from a
23 statement and thereby causing a portion of such statement to
24 be misleading, or intentionally concealing a material fact and
25 thereby creating a false impression by such statement;

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

29 (d) With intent to mislead, knowingly submitting or
30 inviting reliance on a sample, specimen, map, photograph,
31

1 boundary mark, or other object that is misleading in a
2 material respect; or

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

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

9 (4) "Official proceeding" means:

10 (a) A proceeding before a judge or court or a grand
11 jury;

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

13 (c) A proceeding before a federal agency which is
14 authorized by law; or-

15 (d) A proceeding before the Florida Commission on
16 Ethics.

17 (5) "Physical force" means physical action against
18 another and includes confinement.

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

21 Section 12. Subsection (6) of section 440.442, Florida
22 Statutes, is amended to read:

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

30 (6) FISCAL MATTERS OF JUDGES.--Fiscal matters of a
31 judge should be conducted in a manner that will not give the

1 appearance of influence or impropriety. A judge should
2 regularly file public reports as required by s. 8, Art. II of
3 the State Constitution, and should publicly report gifts.

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

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

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

20 (b) Public financial reporting.--

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

29 2. Gifts: A judge shall file a public report of all
30 gifts which are required to be disclosed under Canon 5D(5)(h)
31 and Canon 6B(2) ~~s. 112 [Canon 5C(4)(c)]~~ of the Code of Judicial

1 Conduct~~†~~. The report of gifts received in the preceding
2 calendar year shall be filed in the office of the Commission
3 on Ethics Secretary of State on or before July 1 of each year.

4 Section 13. Sections 839.08, 839.09, 839.091, and
5 839.10, Florida Statutes, are repealed.

6 Section 14. Section 112.3232, Florida Statutes, is
7 created to read:

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

20 Section 15. Section 112.31905, Florida Statutes, is
21 created to read:

22 112.31905 Educational requirements for elected public
23 officials.--Each elected public officer and each person
24 appointed to hold elective public office shall, within the
25 first year following his or her election or appointment to
26 office and every 4 years thereafter:

27 (1) Complete a course of study of at least 3 hours
28 regarding the requirements of this part, the public records
29 law of chapter 119, the public meetings law in chapter 286,
30 and chapter 838.

31

1 (2) Certify his or her completion of the course of
2 study on a form promulgated by the commission and file the
3 form with the commission, if he or she files full and public
4 disclosure under s. 8 of Art. II, of the State Constitution,
5 or with the supervisor of elections of the county of his or
6 her residence, if he or she files a statement of financial
7 interests under s. 112.3145.

8 Section 16. Subsection (7) of section 112.322, Florida
9 Statutes, is amended to read:

10 112.322 Duties and powers of commission.--

11 (7) The commission may prepare materials designed to
12 assist persons in complying with the provisions of this part
13 and with s. 8, Art. II of the State Constitution, and is
14 authorized to work with other agencies of state and local
15 government and private organizations to develop and
16 disseminate ethics training materials and programs, including,
17 but not limited to, the materials and programs necessary for
18 public officials to comply with the education requirements of
19 s. 112.31905.

20 Section 17. Section 112.3147, Florida Statutes, is
21 amended to read:

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

27 Section 18. The sum of \$193,950 is appropriated from
28 the General Revenue Fund to the Commission on Ethics to
29 administer the responsibilities imposed upon it by this act.

30 Section 19. This act shall take effect January 1,
31 2001.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 368

4 The committee substitute differs from the original bill in
5 that it: allows the Commission on Ethics to initiate a
6 full-blown investigation of violations of the ethics code
7 either upon receipt of reliable and publicly disseminated
8 information or upon written referral of a possible violation
9 by certain government officers such as a state attorney or the
10 executive director of FDLE, provided that a super-majority of
11 the Commission members deem the information sufficient to
12 indicate a breach of the public trust; requires persons
13 holding elective public office to complete a 3-hour course of
14 study within one year of election or appointment and every
15 four years thereafter in the area of ethics, public records
16 law, the sunshine law, and public corruption law; offers
17 limited financial disclosure filers the option of either
18 filing under the current statutory scheme using percentage
19 thresholds or filing with proposed specific dollar thresholds;
20 requires the Commission on Ethics to get the written
21 permission of the appropriate state attorney before seeking
22 judicial immunity for witnesses; requires taxes that have been
23 reduced to a legal judgment to be reported as a "liability" on
24 financial disclosure forms; creates a post-employment
25 restriction prohibiting certain executive and judicial branch
26 employees who participate personally and substantially on a
27 matter as a public employee from representing any other
28 private person or entity on the same matter; extends the
29 two-year, post-employment lobbying restriction prohibiting
30 local elected officials from lobbying their "governing body"
31 to also include the "agency" of which the persons were
officers; removes the repeal of a section of the ethics code
allowing the Ethics Commission to grant certain extension of
time for filing disclosures; clarifies that persons failing to
file a final limited financial disclosure form are subject to
the penalties in s. 112.317, F.S., but not the \$25/day
automatic fine provisions; and, creates a notice requirement
for the benefit of those required to file final financial
disclosure upon leaving government service or employment.