

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

309-1675-00

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; authorizing the Technological Research  
27          and Development Authority to make certain gifts  
28          under certain circumstances; amending s.  
29          112.3149, F.S.; transferring filing  
30          administration for honoraria disclosure from  
31          the Department of State to the Commission on

1 Ethics; amending s. 112.317, F.S.; authorizing  
2 the Commission on Ethics to recommend how  
3 restitution may be paid; entitling the Attorney  
4 General to reimbursement of fees and costs  
5 associated with collecting civil and  
6 restitution penalties imposed for ethics  
7 violations; removing a criminal penalty related  
8 to the disclosure of confidential information  
9 brought before the commission; amending s.  
10 112.3185, F.S.; creating a post-employment  
11 restriction for certain agency employees;  
12 amending s. 112.324, F.S.; authorizing the  
13 Commission on Ethics to investigate potential  
14 ethics violations on its own authority under  
15 certain circumstances; clarifying that the  
16 proper sanction authority in the case of a  
17 current state legislator who commits an act in  
18 violation of the Ethics Code prior to joining  
19 the Legislature is vested in the house in which  
20 the legislator serves; amending s. 914.21,  
21 F.S.; redefining the terms "official  
22 proceeding" and "official investigation";  
23 extending the witness-tampering laws to include  
24 Commission on Ethics investigations and  
25 proceedings; repealing s. 112.322(9), F.S.,  
26 which requires the Commission on Ethics to  
27 report certain delinquent financial disclosure  
28 filers to the Department of Community Affairs;  
29 amending s. 440.442, F.S.; transferring the  
30 filing location for public financial reporting  
31 by judges of compensation claims from the

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

23

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

25

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

28 112.312 Definitions.--As used in this part and for  
29 purposes of the provisions of s. 8, Art. II of the State  
30 Constitution, unless the context otherwise requires:

31

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

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

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

5           (b) "Gift" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 2. Subsections (8) and (14) of section  
21 112.313, Florida Statutes, are amended to read:

22 112.313 Standards of conduct for public officers,  
23 employees of agencies, and local government attorneys.--

24 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A  
25 current or former ~~No~~ public officer, employee of an agency, or  
26 local government attorney may not ~~shall~~ disclose or use  
27 information unavailable ~~not available~~ to ~~members of the~~  
28 ~~general~~ public and gained by reason of his or her official  
29 position, except for information relating exclusively to  
30 governmental practices or procedures, for his or her personal  
31

1 gain or benefit or for the personal gain or benefit of any  
2 other person or business entity.

3 (14) LOBBYING BY FORMER LOCAL OFFICERS;  
4 PROHIBITION.--A person who has been elected to any county,  
5 municipal, special district, or school district office may not  
6 personally represent another person or entity for compensation  
7 before the government governing body or agency of which the  
8 person was an officer for a period of 2 years after vacating  
9 that office. The provisions of this subsection shall not apply  
10 to elected officers holding office as of October 1, 1992,  
11 until after their next election, and shall not apply to  
12 elected officers of school districts holding office on January  
13 1, 1995, until after their next election.

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

16 112.3144 Full and public disclosure of financial  
17 interests.--

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

23 (2)~~(1)~~ A ~~No~~ person who is required, pursuant to s. 8,  
24 Art. II of the State Constitution, to file a full and public  
25 disclosure of financial interests and who has filed a full and  
26 public disclosure of financial interests for any calendar or  
27 fiscal year shall not be required to file a statement of  
28 financial interests pursuant to s. 112.3145(2) and (3) for the  
29 same year or for any part thereof notwithstanding any  
30 requirement of this part, except that a candidate for office  
31



1 shall file a copy of his or her disclosure with the officer  
2 before whom he or she qualifies.

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

9 (a) Jewelry;

10 (b) Collections of stamps, guns, and numismatic  
11 properties;

12 (c) Art objects;

13 (d) Household equipment and furnishings;

14 (e) Clothing;

15 (f) Other household items; and

16 (g) Vehicles for personal use.

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

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

1 government in providing at the request of the commission the  
2 name, address, and name of the office held by each public  
3 official within the respective unit of government.

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

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

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

1 before the due date, constitutes proof of mailing in a timely  
2 manner.

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

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

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

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

30 b. When the statement is postmarked.

31 c. When the certificate of mailing is dated.

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

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

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

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

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

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

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

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

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

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

19 112.3145 Disclosure of financial interests and clients  
20 represented before agencies.--

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

23 (a) "Local officer" means:

24 1. Every person who is elected to office in any  
25 political subdivision of the state, and every person who is  
26 appointed to fill a vacancy for an unexpired term in such an  
27 elective office.

28 2. Any appointed member of any of the following  
29 boards, councils, commissions, authorities, or other bodies of  
30 any county, municipality, school district, independent special  
31 district, or other political subdivision of the state:

- 1           a. The governing body of the political subdivision, if  
2 appointed;
- 3           b. An expressway authority or transportation authority  
4 established by general law;
- 5           c. A community college or junior college district  
6 board of trustees;
- 7           d. A board having the power to enforce local code  
8 provisions;
- 9           e. A planning or zoning board, board of adjustment,  
10 board of appeals, or other board having the power to  
11 recommend, create, or modify land planning or zoning within  
12 the political subdivision, except for citizen advisory  
13 committees, technical coordinating committees, and such other  
14 groups who only have the power to make recommendations to  
15 planning or zoning boards;
- 16           f. A pension board or retirement board having the  
17 power to invest pension or retirement funds or the power to  
18 make a binding determination of one's entitlement to or amount  
19 of a pension or other retirement benefit; or
- 20           g. Any other appointed member of a local government  
21 board who is required to file a statement of financial  
22 interests by the appointing authority or the enabling  
23 legislation, ordinance, or resolution creating the board.~~a~~  
24 ~~board; commission; authority, including any expressway~~  
25 ~~authority or transportation authority established by general~~  
26 ~~law; community college district board of trustees; or council~~  
27 ~~of any political subdivision of the state, excluding any~~  
28 ~~member of an advisory body. A governmental body with~~  
29 ~~land-planning, zoning, or natural resources responsibilities~~  
30 ~~shall not be considered an advisory body.~~  
31

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

16           (b) "Specified state employee" means:

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

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

26           3. Each appointed secretary, assistant secretary,  
27 deputy secretary, executive director, assistant executive  
28 director, or deputy executive director of each state  
29 department, commission, board, or council; unless otherwise  
30 provided, the division director, assistant division director,  
31 deputy director, bureau chief, and assistant bureau chief of



1 any state department or division; or any person having the  
2 power normally conferred upon such persons, by whatever title.

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

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

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

18 7. Each employee of the Commission on Ethics.

19 (c) "State officer" means:

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

25 2. An appointed member of each board, commission,  
26 authority, or council having statewide jurisdiction, excluding  
27 a member of an advisory body.

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

31

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

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

25           (c) State officers, ~~persons qualifying for a state~~  
26 ~~office,~~ and specified state employees shall file their  
27 statements of financial interests with the Commission on  
28 Ethics Secretary of State. Local officers shall file their  
29 statements of financial interests with the supervisor of  
30 elections of the county in which they permanently reside.  
31 Local officers who do not permanently reside in any county in

1 the state shall file their statements of financial interests  
2 with the supervisor of elections of the county in which their  
3 agency maintains its headquarters. Persons seeking to qualify  
4 as candidates for local public office shall file their  
5 statements of financial interests with the officer before whom  
6 they qualify.

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

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

23 2.~~(b)~~ All sources of income to a business entity in  
24 excess of 10 percent of the gross income of a business entity  
25 in which the reporting person held a material interest and  
26 from which he or she received an amount which was in excess of  
27 10 percent of his or her gross income during the disclosure  
28 period and which exceeds \$1,500. The period for computing the  
29 gross income of the business entity is the fiscal year of the  
30 business entity which ended on, or immediately prior to, the  
31 end of the disclosure period of the person reporting;-

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

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

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

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

28           3. The location or description of real property in  
29 this state, except for residence and vacation homes, owned  
30 directly or indirectly by the person reporting, when such  
31 person owns in excess of 5 percent of the value of such real

1 property, and a general description of any intangible personal  
2 property worth in excess of \$10,000. For the purpose of this  
3 paragraph, indirect ownership does not include ownership by a  
4 spouse or minor child; and  
5 4. Every liability in excess of \$10,000.  
6 (4) Each elected constitutional officer, state  
7 officer, local officer, and specified state employee shall  
8 file a quarterly report of the names of clients represented  
9 for a fee or commission, except for appearances in ministerial  
10 matters, before agencies at his or her level of government.  
11 For the purposes of this part, agencies of government shall be  
12 classified as state-level agencies or agencies below state  
13 level. Each local officer shall file such report with the  
14 supervisor of elections of the county in which the officer is  
15 principally employed or is a resident. Each state officer,  
16 elected constitutional officer, and specified state employee  
17 shall file such report with the commission ~~Secretary of State~~.  
18 The report shall be filed only when a reportable  
19 representation is made during the calendar quarter and shall  
20 be filed no later than the last day of each calendar quarter,  
21 for the previous calendar ~~15 days after the last day of the~~  
22 quarter. Representation before any agency shall be deemed to  
23 include representation by such officer or specified state  
24 employee or by any partner or associate of the professional  
25 firm of which he or she is a member and of which he or she has  
26 actual knowledge. For the purposes of this subsection, the  
27 term "representation before any agency" does not include  
28 appearances before any court or Chief Judges of Compensation  
29 Claims or judges of compensation claims or representations on  
30 behalf of one's agency in one's official capacity. Such term  
31 does not include the preparation and filing of forms and

1 applications merely for the purpose of obtaining or  
2 transferring a license based on a quota or a franchise of such  
3 agency or a license or operation permit to engage in a  
4 profession, business, or occupation, so long as the issuance  
5 or granting of such license, permit, or transfer does not  
6 require substantial discretion, a variance, a special  
7 consideration, or a certificate of public convenience and  
8 necessity.

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

27 (6) Forms for compliance with the disclosure  
28 requirements of this section and a current list of persons  
29 subject to disclosure shall be created ~~provided~~ by the  
30 commission ~~on Ethics to the Secretary of State~~ and provided to  
31 each supervisor of elections. The commission and each

1 supervisor of elections, ~~who~~ shall give notice of disclosure  
2 deadlines and delinquencies and distribute forms in the  
3 following manner:

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

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

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

26 (c) Not later than 30 days after July 1 of each year,  
27 the commission ~~Secretary of State~~ and each supervisor of  
28 elections shall determine which persons required to file a  
29 statement of financial interests in their respective offices  
30 have failed to do so and shall send delinquency notices by  
31 certified mail to such persons. Each notice shall state that

1 a grace period is in effect until September 1 of the current  
2 year; that no investigative or disciplinary action based upon  
3 the delinquency will be taken by the agency head or commission  
4 ~~on Ethics~~ if the statement is filed by September 1 of the  
5 current year; that, if the statement is not filed by September  
6 1 of the current year, a fine of \$25 for each day late will be  
7 imposed, up to a maximum penalty of \$1,500; for notices sent  
8 by a supervisor of elections, that he or she is required by  
9 law to notify the commission ~~on Ethics~~ of the delinquency; and  
10 that, if upon the filing of a sworn complaint the commission  
11 finds that the person has failed to timely file the statement  
12 within 60 days after ~~by~~ September 1 of the current year, such  
13 person will also ~~shall~~ be subject to the penalties provided in  
14 s. 112.317.

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

28 (e) Statements must be filed not later than 5 p.m. of  
29 the due date. However, any statement that is postmarked by the  
30 United States Postal Service by midnight of the due date is  
31 deemed to have been filed in a timely manner, and a



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

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

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

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

23 b. When the statement is postmarked.

24 c. When the certificate of mailing is dated.

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

27 2. For a specified state employee or a state officer,  
28 upon receipt of the disclosure statement by the commission or  
29 upon accrual of the maximum penalty, whichever occurs first,  
30 and for a local officer upon receipt by the commission of the  
31 certification from the local officer's supervisor of elections

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

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

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

29 (h)(f) The notification requirements and fines of this  
30 subsection do not apply to candidates or to the first or final  
31

1 filing required of any state officer, specified employee, or  
2 local officer as provided in paragraph (2)(b).

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

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

24 (b) The agency head of the agency of each local  
25 officer, state officer, or specified state employee who is  
26 required to file a statement of financial interests for the  
27 final disclosure period shall notify such persons of their  
28 obligation to file the final disclosure and may designate a  
29 person to be responsible for the notification requirements of  
30 this paragraph.

31

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

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

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

23           112.3148 Reporting and prohibited receipt of gifts by  
24 individuals filing full or limited public disclosure of  
25 financial interests and by procurement employees.--

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

29           (2) As used in this section:

30           (a) "Immediate family" means any parent, spouse,  
31 child, or sibling.

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

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

23           (c) "Person" includes individuals, firms,  
24 associations, joint ventures, partnerships, estates, trusts,  
25 business trusts, syndicates, fiduciaries, corporations, and  
26 all other groups or combinations.

27           (d) "Reporting individual" means any individual,  
28 including a candidate upon qualifying, who is required by law,  
29 pursuant to s. 8, Art. II of the State Constitution or s.  
30 112.3145, to file full or limited public disclosure of his or  
31 her financial interests or any individual who has been elected

1 to, but has yet to officially assume the responsibilities of,  
2 public office. For purposes of implementing this section, the  
3 "agency" of a reporting individual who is not an officer or  
4 employee in public service is the agency to which the  
5 candidate seeks election, or in the case of an individual  
6 elected to but yet to formally take office, the agency in  
7 which the individual has been elected to serve.

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

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

29 (4) A reporting individual or procurement employee or  
30 any other person on his or her behalf is prohibited from  
31 knowingly accepting, directly or indirectly, a gift from a

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

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

27 (b) However, a person who is regulated by this  
28 subsection, who is not regulated by subsection (6), and who  
29 makes, or directs another to make, an individual gift having a  
30 value in excess of \$25, but not in excess of \$100, other than  
31 a gift which the donor knows will be accepted on behalf of a

1 governmental entity or charitable organization, must file a  
2 report on the last day of each calendar quarter, for the  
3 previous calendar quarter in which a reportable gift is made.  
4 The report shall be filed with the Commission on Ethics  
5 ~~Secretary of State~~, except with respect to gifts to reporting  
6 individuals of the legislative branch, in which case the  
7 report shall be filed with the Division of Legislative  
8 Information Services in the Office of Legislative Services.  
9 The report must contain a description of each gift, the  
10 monetary value thereof, the name and address of the person  
11 making such gift, the name and address of the recipient of the  
12 gift, and the date such gift is given. In addition, when a  
13 gift is made which requires the filing of a report under this  
14 subsection, the donor must notify the intended recipient at  
15 the time the gift is made that the donor, or another on his or  
16 her behalf, will report the gift under this subsection. Under  
17 this paragraph, a gift need not be reported by more than one  
18 person or entity.

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



1 individual or procurement employee who is an officer or  
2 employee of such governmental entity.

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

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

1 entity may provide a single report to the reporting individual  
2 or procurement employee of gifts provided by the governmental  
3 entity and any direct-support organization specifically  
4 authorized by law to support such governmental entity.

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

29 (7)(a) The value of a gift provided to a reporting  
30 individual or procurement employee shall be its fair market  
31 value ~~determined using actual cost to the donor~~, less taxes

1 and gratuities, except as otherwise provided in this  
2 subsection, and, with respect to personal services provided by  
3 the donor, the reasonable and customary charge regularly  
4 charged for such service in the community in which the service  
5 is provided shall be used. If additional expenses are  
6 required as a condition precedent to eligibility of the donor  
7 to purchase or provide a gift and such expenses are primarily  
8 for the benefit of the donor or are of a charitable nature,  
9 such expenses shall not be included in determining the value  
10 of the gift.

11 (b) Compensation provided by the donee to the donor,  
12 if provided within 90 days after receipt of the gift, shall be  
13 deducted from the value of the gift in determining the value  
14 of the gift.

15 (c) If the actual gift value attributable to  
16 individual participants at an event cannot be determined, the  
17 total costs shall be prorated among all invited persons,  
18 whether or not they are reporting individuals or procurement  
19 employees.

20 (d) Transportation shall be valued on a round-trip  
21 basis unless only one-way transportation is provided.  
22 Round-trip transportation expenses shall be considered a  
23 single gift. Transportation provided in a private conveyance  
24 shall be given the same value as transportation provided in a  
25 comparable commercial conveyance.

26 (e) Lodging provided on consecutive days shall be  
27 considered a single gift. Lodging in a private residence  
28 shall be valued at the per diem rate provided in s.  
29 112.061(6)(a)1. less the meal allowance rate provided in s.  
30 112.061(6)(b).

31

1 (f) Food and beverages which are not consumed at a  
2 single sitting or meal and which are provided on the same  
3 calendar day shall be considered a single gift, and the total  
4 value of all food and beverages provided on that date shall be  
5 considered the value of the gift. Food and beverage consumed  
6 at a single sitting or meal shall be considered a single gift  
7 and the value of the food and beverage provided at that  
8 sitting or meal shall be considered the value of the gift.

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

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

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

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

25 (k) The value of a gift of an admission ticket shall  
26 not include that portion of the cost which represents a  
27 charitable contribution, if the gift is provided by the  
28 charitable organization.

29 (8)(a) Each reporting individual or procurement  
30 employee shall file a statement with the Commission on Ethics  
31 ~~Secretary of State~~ on the last day of each calendar quarter,

1 for the previous calendar quarter, containing a list of gifts  
2 which he or she believes to be in excess of \$100 in value, if  
3 any, accepted by him or her, for which compensation was not  
4 provided by the donee to the donor within 90 days of receipt  
5 of the gift to reduce the value to \$100 or less,except the  
6 following:

- 7 1. Gifts from relatives.
- 8 2. Gifts prohibited by subsection (4) or s.  
9 112.313(4).
- 10 3. Gifts otherwise required to be disclosed by this  
11 section.

12 (b) The statement shall include:

- 13 1. A description of the gift, the monetary value of  
14 the gift, the name and address of the person making the gift,  
15 and the dates thereof. If any of these facts, other than the  
16 gift description, are unknown or not applicable, the report  
17 shall so state.
- 18 2. A copy of any receipt for such gift provided to the  
19 reporting individual or procurement employee by the donor.

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

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

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

30 (9) A person, other than a lobbyist regulated under s.  
31 11.045, who violates the provisions of subsection (5) commits

1 a noncriminal infraction, punishable by a fine of not more  
2 than \$5,000 and by a prohibition on lobbying, or employing a  
3 lobbyist to lobby, before the agency of the reporting  
4 individual or procurement employee to which the gift was given  
5 in violation of subsection (5), for a period of not more than  
6 24 months. The state attorney, or an agency, if otherwise  
7 authorized, may initiate an action to impose or recover a fine  
8 authorized under this section or to impose or enforce a  
9 limitation on lobbying provided in this section.

10 (10) A member of the Legislature may request an  
11 advisory opinion from the general counsel of the house of  
12 which he or she is a member as to the application of this  
13 section to a specific situation. The general counsel shall  
14 issue the opinion within 10 days after receiving the request.  
15 The member of the Legislature may reasonably rely on such  
16 opinion.

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

19 112.3149 Solicitation and disclosure of honoraria.--

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

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

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

17 112.317 Penalties.--

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

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

- 28 1. Impeachment.
- 29 2. Removal from office.
- 30 3. Suspension from office.
- 31 4. Public censure and reprimand.

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

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

4           7. Restitution of any pecuniary benefits received  
5 because of the violation committed. The commission may  
6 recommend that the restitution penalty be paid to the agency  
7 of which the public officer was a member or to the General  
8 Revenue Fund of the state.

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

12           1. Dismissal from employment.

13           2. Suspension from employment for not more than 90  
14 days without pay.

15           3. Demotion.

16           4. Reduction in salary level.

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

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

20           7. Restitution of any pecuniary benefits received  
21 because of the violation committed. The commission may  
22 recommend that the restitution penalty be paid to the agency  
23 by which such employee was employed or by which such officer  
24 was deemed to be an employee or to the General Revenue Fund of  
25 the state.

26           8. Public censure and reprimand.

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

30           1. Disqualification from being on the ballot.

31           2. Public censure.



1           3. Reprimand.

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

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

7           1. Public censure and reprimand.

8           2. A civil penalty not to exceed \$10,000.

9           3. Restitution of any pecuniary benefits received  
10 because of the violation committed. The commission may  
11 recommend that the restitution penalty be paid to the agency  
12 of such public officer or employee or the General Revenue Fund  
13 of the state.

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

27           ~~(6) Any person who willfully discloses, or permits to~~  
28 ~~be disclosed, his or her intention to file a complaint, the~~  
29 ~~existence or contents of a complaint which has been filed with~~  
30 ~~the commission, or any document, action, or proceeding in~~  
31 ~~connection with a confidential preliminary investigation of~~

1 ~~the commission, before such complaint, document, action, or~~  
2 ~~proceeding becomes a public record as provided herein commits~~  
3 ~~a misdemeanor of the first degree, punishable as provided in~~  
4 ~~s. 775.082 or s. 775.083.~~

5 (6)~~(7)~~ In any case in which the commission finds  
6 probable cause to believe that a complainant has committed  
7 perjury in regard to any document filed with, or any testimony  
8 given before, the commission, it shall refer such evidence to  
9 the appropriate law enforcement agency for prosecution and  
10 taxation of costs.

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

29 Section 8. Section 112.3185, Florida Statutes, is  
30 amended to read:

31

1           112.3185 Additional standards for state agency  
2 employees ~~Contractual services~~.--

3           (1) For the purposes of this section:

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

6           (b) "Agency" means any state officer, department,  
7 board, commission, or council of the executive or judicial  
8 branch of state government and includes the Public Service  
9 Commission.

10          (2) No agency employee who participates through  
11 decision, approval, disapproval, recommendation, preparation  
12 of any part of a purchase request, influencing the content of  
13 any specification or procurement standard, rendering of  
14 advice, investigation, or auditing or in any other advisory  
15 capacity in the procurement of contractual services shall  
16 become or be, while an agency employee, the employee of a  
17 person contracting with the agency by whom the employee is  
18 employed.

19          (3) No agency employee shall, after retirement or  
20 termination, have or hold any employment or contractual  
21 relationship with any business entity other than an agency in  
22 connection with any contract in which the agency employee  
23 participated personally and substantially through decision,  
24 approval, disapproval, recommendation, rendering of advice, or  
25 investigation while an officer or employee.

26          (4) No agency employee shall, within 2 years after  
27 retirement or termination, have or hold any employment or  
28 contractual relationship with any business entity other than  
29 an agency in connection with any contract for contractual  
30 services which was within his or her responsibility while an  
31 employee.

1           (5) The sum of money paid to a former agency employee  
2 during the first year after the cessation of his or her  
3 responsibilities, by the agency with whom he or she was  
4 employed, for contractual services provided to the agency,  
5 shall not exceed the annual salary received on the date of  
6 cessation of his or her responsibilities. The provisions of  
7 this subsection may be waived by the agency head for a  
8 particular contract if the agency head determines that such  
9 waiver will result in significant time or cost savings for the  
10 state.

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

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

28           ~~(8)(7)~~ A violation of any provision of this section is  
29 punishable in accordance with s. 112.317.  
30  
31

1           ~~(9)(8)~~ This section is not applicable to any employee  
2 of the Public Service Commission who was so employed on or  
3 before December 31, 1994.

4           Section 9. Section 112.324, Florida Statutes, is  
5 amended to read:

6           112.324 Procedures on complaints of violations.--

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

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

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

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

31

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

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

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

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

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

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



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

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

17 (6) If the commission finds that there has been a  
18 violation of this part or of any provision of s. 8, Art. II of  
19 the State Constitution by the Governor, and the commission  
20 recommends public censure and reprimand, forfeiture of a  
21 portion of the Governor's salary, a civil penalty, or  
22 restitution, the commission shall report its findings and  
23 recommendation of disciplinary action to the Attorney General,  
24 who shall have the power to invoke the penalty provisions of  
25 this part.

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

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

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

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

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

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

31

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

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

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

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

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

18 Section 10. Section 914.21, Florida Statutes, is  
19 amended to read:

20 914.21 Definitions.--As used in ss. 914.22-914.24, the  
21 term:

- 22 (1) "Bodily injury" means:  
23 (a) A cut, abrasion, bruise, burn, or disfigurement;  
24 (b) Physical pain;  
25 (c) Illness;  
26 (d) Impairment of the function of a bodily member,  
27 organ, or mental faculty; or  
28 (e) Any other injury to the body, no matter how  
29 temporary.  
30 (2) "Misleading conduct" means:  
31 (a) Knowingly making a false statement;

1 (b) Intentionally omitting information from a  
2 statement and thereby causing a portion of such statement to  
3 be misleading, or intentionally concealing a material fact and  
4 thereby creating a false impression by such statement;

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

8 (d) With intent to mislead, knowingly submitting or  
9 inviting reliance on a sample, specimen, map, photograph,  
10 boundary mark, or other object that is misleading in a  
11 material respect; or

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

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

18 (4) "Official proceeding" means:

19 (a) A proceeding before a judge or court or a grand  
20 jury;

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

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

24 (d) A proceeding before the Florida Commission on  
25 Ethics.

26 (5) "Physical force" means physical action against  
27 another and includes confinement.

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

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

1           440.442 Code of Judicial Conduct.--The Chief Judge,  
2 and judges of compensation claims shall observe and abide by  
3 the Code of Judicial Conduct as provided in this section. Any  
4 material violation of a provision of the Code of Judicial  
5 Conduct shall constitute either malfeasance or misfeasance in  
6 office and shall be grounds for suspension and removal of such  
7 Chief Judge, or judge of compensation claims by the Governor.

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

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

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

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

29           (b) Public financial reporting.--

30           1. Income and assets: A judge shall file such public  
31 reports as may be required by law for all public officials to

1 comply fully with the provisions of s. 8, Art. II of the State  
2 Constitution. The form for public financial disclosure shall  
3 be that recommended or adopted by the Florida Commission on  
4 Ethics for use by all public officials. The form shall be  
5 filed in the office of the Commission on Ethics ~~Secretary of~~  
6 ~~State~~ on the date prescribed by law.

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

13         Section 13. Sections 839.08, 839.09, 839.091, and  
14 839.10, Florida Statutes, are repealed.

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

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

29         Section 15. Section 112.31905, Florida Statutes, is  
30 created to read:

31

1           112.31905 Educational requirements for elected public  
2 officials.--Each elected public officer and each person  
3 appointed to hold elective public office shall, within the  
4 first year following his or her election or appointment to  
5 office and every 4 years thereafter:

6           (1) Complete a course of study of at least 3 hours  
7 regarding the requirements of this part, the public records  
8 law of chapter 119, the public meetings law in chapter 286,  
9 and chapter 838.

10           (2) Certify his or her completion of the course of  
11 study on a form promulgated by the commission and file the  
12 form with the commission, if he or she files full and public  
13 disclosure under s. 8 of Art. II, of the State Constitution,  
14 or with the supervisor of elections of the county of his or  
15 her residence, if he or she files a statement of financial  
16 interests under s. 112.3145.

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

19           112.322 Duties and powers of commission.--

20           (7) The commission may prepare materials designed to  
21 assist persons in complying with the provisions of this part  
22 and with s. 8, Art. II of the State Constitution, and is  
23 authorized to work with other agencies of state and local  
24 government and private organizations to develop and  
25 disseminate ethics training materials and programs, including,  
26 but not limited to, the materials and programs necessary for  
27 public officials to comply with the education requirements of  
28 s. 112.31905.

29           Section 17. The provisions of this act requiring a  
30 person to file a final disclosure statement within 60 days  
31 after leaving his or her public position, including the



1 notification requirements relating to final filings, apply to  
2 persons leaving office or employment on or after the date this  
3 act becomes a law.

4 Section 18. Section 112.3147, Florida Statutes, is  
5 amended to read:

6 112.3147 Forms.--All information required to be  
7 furnished by ss. 112.313, 112.3143, 112.3145, 112.3148, ~~and~~  
8 112.3149, and 112.31905 and by s. 8, Art. II of the State  
9 Constitution shall be on forms prescribed by the Commission on  
10 Ethics.

11 Section 19. The sum of \$193,950 is appropriated from  
12 the General Revenue Fund to the Commission on Ethics to  
13 administer the responsibilities imposed upon it by this act.

14 Section 20. This act, except for this section and  
15 section 17, which shall take effect upon becoming law, shall  
16 take effect January 1, 2001.

17  
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 CS for SB 368

21 Clarifies language relating to the 60 day final report for  
22 limited and full financial disclosure filers to make sure that  
23 it is clear that the report applies to all persons holding a  
public position, not just an "office."

24 Adds the Technological Research and Development Authority to  
25 the list of government entities allowed to give a gift in  
excess of \$100 if a public purpose can be shown for the gift.

26 Applies the provisions of the bill relating to the final  
27 financial disclosure report to persons leaving office or  
employment on or after the date this act becomes a law.