

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; allowing the Commission
21 on Ethics to dismiss a complaint that involves
22 a technical or minor error, under specified
23 conditions; amending s. 914.21, F.S.;
24 redefining the terms "official proceeding" and
25 "official investigation"; extending the
26 witness-tampering laws to include Commission on
27 Ethics investigations and proceedings;
28 repealing s. 112.322(9), F.S., which requires
29 the Commission on Ethics to report certain
30 delinquent financial disclosure filers to the
31 Department of Community Affairs; amending s.

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

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (12) and (14) of section
2 112.312, Florida Statutes, are amended to read:

3 112.312 Definitions.--As used in this part and for
4 purposes of the provisions of s. 8, Art. II of the State
5 Constitution, unless the context otherwise requires:

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

13 1. Real property.

14 2. The use of real property.

15 3. Tangible or intangible personal property.

16 4. The use of tangible or intangible personal
17 property.

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

25 6. Forgiveness of an indebtedness.

26 7. Transportation, other than that provided to a
27 public officer or employee by an agency in relation to
28 officially approved governmental business, lodging, or
29 parking.

30 8. Food or beverage.

31 9. Membership dues.

1 10. Entrance fees, admission fees, or tickets to
2 events, performances, or facilities.

3 11. Plants, flowers, or floral arrangements.

4 12. Services provided by persons pursuant to a
5 professional license or certificate.

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

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

10 (b) "Gift" does not include:

11 1. Salary, benefits, services, fees, commissions,
12 gifts, or expenses associated primarily with the donee's
13 employment, business, or service as an officer or director of
14 a corporation or organization.

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

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

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

24 5. An honorary membership in a service or fraternal
25 organization presented merely as a courtesy by such
26 organization.

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

29 7. Transportation provided to a public officer or
30 employee by an agency in relation to officially approved
31 governmental business.

1 8. Gifts provided directly or indirectly by a state,
2 regional, or national organization which promotes the exchange
3 of ideas between, or the professional development of,
4 governmental officials or employees, and whose membership is
5 primarily composed of elected or appointed public officials or
6 staff, to members of that organization or officials or staff
7 of a governmental agency that is a member of that
8 organization.

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

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

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

25 Section 2. Subsections (8) and (14) of section
26 112.313, Florida Statutes, are amended to read:

27 112.313 Standards of conduct for public officers,
28 employees of agencies, and local government attorneys.--

29 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A
30 current or former ~~Ne~~ public officer, employee of an agency, or
31 local government attorney may not ~~shall~~ disclose or use

1 information unavailable ~~not available~~ to ~~members of the~~
2 ~~general~~ public and gained by reason of his or her official
3 position, except for information relating exclusively to
4 governmental practices or procedures, for his or her personal
5 gain or benefit or for the personal gain or benefit of any
6 other person or business entity.

7 (14) LOBBYING BY FORMER LOCAL OFFICERS;
8 PROHIBITION.--A person who has been elected to any county,
9 municipal, special district, or school district office may not
10 personally represent another person or entity for compensation
11 before the government governing body or agency of which the
12 person was an officer for a period of 2 years after vacating
13 that office. The provisions of this subsection shall not apply
14 to elected officers holding office as of October 1, 1992,
15 until after their next election, and shall not apply to
16 elected officers of school districts holding office on January
17 1, 1995, until after their next election.

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

20 112.3144 Full and public disclosure of financial
21 interests.--

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

27 (2)(1) A ~~No~~ person who is required, pursuant to s. 8,
28 Art. II of the State Constitution, to file a full and public
29 disclosure of financial interests and who has filed a full and
30 public disclosure of financial interests for any calendar or
31 fiscal year shall not be required to file a statement of

1 financial interests pursuant to s. 112.3145(2) and (3) for the
2 same year or for any part thereof notwithstanding any
3 requirement of this part, except that a candidate for office
4 shall file a copy of his or her disclosure with the officer
5 before whom he or she qualifies.

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

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

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

- 28 (a) Not later than May 1 of each year, the commission
29 ~~on Ethics~~ shall prepare a current list of the names and
30 addresses of and the offices held by every person required to
31 file full and public disclosure annually by s. 8, Art. II of

1 the State Constitution, or other state law, ~~and shall provide~~
2 ~~the Secretary of State with the mailing list.~~ In compiling the
3 list, the commission shall be assisted by each unit of
4 government in providing at the request of the commission the
5 name, address, and name of the office held by each public
6 official within the respective unit of government.

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

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

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

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

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

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

28 1. The amount of the fine due is based upon the
29 earliest of the following:

30 a. When a statement is actually received by the
31 office.

- 1 b. When the statement is postmarked.
2 c. When the certificate of mailing is dated.
3 d. When the receipt from an established courier
4 company is dated.
- 5 2. Upon receipt of the disclosure statement or upon
6 accrual of the maximum penalty, whichever occurs first, the
7 commission shall determine the amount of the fine which is due
8 and shall notify the delinquent person. The notice must
9 include an explanation of the appeal procedure under
10 subparagraph 3. Such fine must be paid within 30 days after
11 the notice of payment due is transmitted, unless appeal is
12 made to the commission pursuant to subparagraph 3. The moneys
13 shall be deposited into the General Revenue Fund.
- 14 3. Any reporting person may appeal or dispute a fine,
15 based upon unusual circumstances surrounding the failure to
16 file on the designated due date, and may request and is
17 entitled to a hearing before the commission, which may waive
18 the fine in whole or in part for good cause shown. Any such
19 request must be made within 30 days after the notice of
20 payment due is transmitted. In such a case, the reporting
21 person must, within the 30-day period, notify the person
22 designated to review the timeliness of reports in writing of
23 his or her intention to bring the matter before the
24 commission.
- 25 (f)(e) Any person subject to the annual filing of full
26 and public disclosure under s. 8, Art. II of the State
27 Constitution, or other state law, whose name is not on the
28 commission's mailing list of persons required to file full and
29 public disclosure is provided to the Secretary of State shall
30 not subject to the fines or penalties provided in this part be
31 deemed delinquent for failure to file full and public

1 disclosure in any year in which the omission occurred, but
2 nevertheless is required to file the disclosure statement.

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

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

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

1 disclosure period. The head of the agency of each person
2 required to file full and public disclosure for the final
3 disclosure period shall notify such persons of their
4 obligation to file the final disclosure and may designate a
5 person to be responsible for the notification requirements of
6 this subsection.

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

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

21 112.3145 Disclosure of financial interests and clients
22 represented before agencies.--

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

25 (a) "Local officer" means:

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

30 2. Any appointed member of any of the following
31 boards, councils, commissions, authorities, or other bodies of

1 any county, municipality, school district, independent special
2 district, or other political subdivision of the state:

3 a. The governing body of the political subdivision, if
4 appointed;

5 b. An expressway authority or transportation authority
6 established by general law;

7 c. A community college or junior college district
8 board of trustees;

9 d. A board having the power to enforce local code
10 provisions;

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

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

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

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1 ~~land-planning, zoning, or natural resources responsibilities~~
2 ~~shall not be considered an advisory body.~~

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

18 (b) "Specified state employee" means:

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

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

28 3. Each appointed secretary, assistant secretary,
29 deputy secretary, executive director, assistant executive
30 director, or deputy executive director of each state
31 department, commission, board, or council; unless otherwise

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

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

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

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

20 7. Each employee of the Commission on Ethics.

21 (c) "State officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

31

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

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

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

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

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

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

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

29 b. When the statement is postmarked.

30 c. When the certificate of mailing is dated.

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

4 (2) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) The statement shall include:

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

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

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

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

31

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

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

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

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

25 112.3149 Solicitation and disclosure of honoraria.--

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

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

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

23 112.317 Penalties.--

24 (1) Violation of any provision of this part,
25 including, but not limited to, any failure to file any
26 disclosures required by this part or violation of any standard
27 of conduct imposed by this part, or violation of any provision
28 of s. 8, Art. II of the State Constitution, in addition to any
29 criminal penalty or other civil penalty involved, shall,
30 pursuant to applicable constitutional and statutory
31

1 procedures, constitute grounds for, and may be punished by,
2 one or more of the following:

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

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

- 19 1. Dismissal from employment.
- 20 2. Suspension from employment for not more than 90
21 days without pay.
- 22 3. Demotion.
- 23 4. Reduction in salary level.
- 24 5. Forfeiture of no more than one-third salary per
25 month for no more than 12 months.
- 26 6. A civil penalty not to exceed \$10,000.
- 27 7. Restitution of any pecuniary benefits received
28 because of the violation committed. The commission may
29 recommend that the restitution penalty be paid to the agency
30 by which such employee was employed or by which such officer
31

1 was deemed to be an employee or to the General Revenue Fund of
2 the state.

3 8. Public censure and reprimand.

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

7 1. Disqualification from being on the ballot.

8 2. Public censure.

9 3. Reprimand.

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

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

15 1. Public censure and reprimand.

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

17 3. Restitution of any pecuniary benefits received
18 because of the violation committed. The commission may
19 recommend that the restitution penalty be paid to the agency
20 of such public officer or employee or the General Revenue Fund
21 of the state.

22 (2) In any case in which the commission finds a
23 violation of this part or of s. 8, Art. II of the State
24 Constitution and the proper disciplinary official or body
25 under s. 112.324 imposes ~~recommends~~ a civil penalty or
26 restitution penalty, the Attorney General shall bring a civil
27 action to recover such penalty. No defense may be raised in
28 the civil action to enforce the civil penalty or order of
29 restitution that could have been raised by judicial review of
30 the administrative findings and recommendations of the
31 commission by certiorari to the district court of appeal. The

1 Attorney General shall be entitled to collect any costs,
2 attorney's fees, expert witness fees, or other costs of
3 collection incurred in bringing such actions.

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

13 (6)(7) In any case in which the commission finds
14 probable cause to believe that a complainant has committed
15 perjury in regard to any document filed with, or any testimony
16 given before, the commission, it shall refer such evidence to
17 the appropriate law enforcement agency for prosecution and
18 taxation of costs.

19 (7)(8) In any case in which the commission determines
20 that a person has filed a complaint against a public officer
21 or employee with a malicious intent to injure the reputation
22 of such officer or employee by filing the complaint with
23 knowledge that the complaint contains one or more false
24 allegations or with reckless disregard for whether the
25 complaint contains false allegations of fact material to a
26 violation of this part, the complainant shall be liable for
27 costs plus reasonable attorney's fees incurred in the defense
28 of the person complained against, including the costs and
29 reasonable attorney's fees incurred in proving entitlement to
30 and the amount of costs and fees. If the complainant fails to
31 pay such costs and fees voluntarily within 30 days following

1 such finding by the commission, the commission shall forward
2 such information to the Department of Legal Affairs, which
3 shall bring a civil action in a court of competent
4 jurisdiction to recover the amount of such costs and fees
5 awarded by the commission.

6 Section 8. Section 112.3185, Florida Statutes, is
7 amended to read:

8 112.3185 Additional standards for state agency
9 employees ~~Contractual services~~.--

10 (1) For the purposes of this section:

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

13 (b) "Agency" means any state officer, department,
14 board, commission, or council of the executive or judicial
15 branch of state government and includes the Public Service
16 Commission.

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

26 (3) No agency employee shall, after retirement or
27 termination, have or hold any employment or contractual
28 relationship with any business entity other than an agency in
29 connection with any contract in which the agency employee
30 participated personally and substantially through decision,
31

1 approval, disapproval, recommendation, rendering of advice, or
2 investigation while an officer or employee.

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

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

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

25 (7) No agency employee shall, after retirement or
26 termination, represent or advise another person or entity,
27 except the state, in any matter in which the employee
28 participated personally and substantially in his or her
29 official capacity through decision, approval, disapproval,
30 recommendation, rendering of advice, investigation, or
31 otherwise while an employee. The term "matter" includes any

1 judicial or other proceeding, application, request for a
2 ruling or other determination, contract, claim, controversy,
3 investigation, charge, accusation, arrest, or other particular
4 action involving a specific party or parties.

5 ~~(8)(7)~~ A violation of any provision of this section is
6 punishable in accordance with s. 112.317.

7 ~~(9)(8)~~ This section is not applicable to any employee
8 of the Public Service Commission who was so employed on or
9 before December 31, 1994.

10 Section 9. Section 112.324, Florida Statutes, is
11 amended to read:

12 112.324 Procedures on complaints of violations.--

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

20 (a) Upon a written complaint executed on a form
21 prescribed by the commission and signed under oath or
22 affirmation by any person;

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

30 (c) Upon receipt of a written referral of a possible
31 violation of this part or other possible breach of the public

1 trust from the Governor, the Comptroller, a State Attorney,
2 the Executive Director of the Department of Law Enforcement,
3 or the Statewide Prosecutor, which at least seven of the
4 members of the commission deem sufficient to indicate a breach
5 of the public trust.

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

1 (2) A preliminary investigation shall be undertaken by
2 the commission of each legally sufficient complaint,
3 information, or referral over which the commission has
4 jurisdiction to determine whether there is probable cause to
5 believe that a violation has occurred. If, upon completion of
6 the preliminary investigation, the commission finds no
7 probable cause to believe that this part has been violated or
8 that any other breach of the public trust has been committed,
9 the commission shall dismiss the complaint or proceeding with
10 the issuance of a public report to the complainant and the
11 alleged violator, stating with particularity its reasons for
12 dismissal ~~of the complaint~~. At that time, the complaint, the
13 proceeding, and all materials relating to the complaint and
14 proceeding shall become a matter of public record. If the
15 commission finds from the preliminary investigation probable
16 cause to believe that this part has been violated or that any
17 other breach of the public trust has been committed, it shall
18 so notify the complainant and the alleged violator in writing.
19 Such notification and all documents made or received in the
20 disposition of the complaint or proceeding shall then become
21 public records. Upon request submitted to the commission in
22 writing, any person who the commission finds probable cause to
23 believe has violated any provision of this part or has
24 committed any other breach of the public trust shall be
25 entitled to a public hearing. Such person shall be deemed to
26 have waived the right to a public hearing if the request is
27 not received within 14 days following the mailing of the
28 probable cause notification required by this subsection.
29 However, the commission may on its own motion, require a
30 public hearing, may conduct such further investigation as it
31 deems necessary, and may enter into such stipulations and

1 settlements as it finds to be just and in the best interest of
2 the State. The commission is without jurisdiction to, and no
3 respondent may voluntarily or involuntarily, enter into a
4 stipulation or settlement which imposes any penalty,
5 including, but not limited to, a sanction or admonition or any
6 other penalty contained in s. 112.317. Penalties shall be
7 imposed only by the appropriate disciplinary authority as
8 designated in this section.

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

29 (4) If, in cases pertaining to complaints or
30 proceedings against impeachable officers, upon completion of a
31 full and final investigation by the commission, the commission

1 finds that there has been a violation of this part or of any
2 provision of s. 8, Art. II of the State Constitution, and the
3 commission finds that the violation may constitute grounds for
4 impeachment, the commission shall forward a copy of the
5 complaint, information, or referral and its findings by
6 certified mail to the Speaker of the House of Representatives,
7 who shall refer the matter ~~complaint~~ to the appropriate
8 committee for investigation and action which shall be governed
9 by the rules of the House of Representatives. It shall be the
10 duty of the committee to report its final action upon the
11 matter ~~complaint~~ to the commission within 90 days of the date
12 of transmittal.

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

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

31

1 (7) If, in cases pertaining to persons other than
2 ~~complaints other than complaints against~~ impeachable officers
3 or members of the Legislature, upon completion of a full and
4 final investigation by the commission, the commission finds
5 that there has been a violation of this part or of s. 8, Art.
6 II of the State Constitution, it shall be the duty of the
7 commission to report its findings and recommend appropriate
8 action to the proper disciplinary official or body as follows,
9 and such official or body shall have the power to invoke the
10 penalty provisions of this part, including the power to order
11 the appropriate elections official to remove a candidate from
12 the ballot for a violation of s. 112.3145 or s. 8(a) and (i)
13 ~~(h)~~, Art. II of the State Constitution:

14 (a) The President of the Senate and the Speaker of the
15 House of Representatives, jointly, in any case concerning the
16 Public Counsel, members of the Public Service Commission,
17 members of the Public Service Commission Nominating Council,
18 the Auditor General, members of the Legislative Committee on
19 Intergovernmental Relations, or members of the Advisory
20 Council on Environmental Education.

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

23 (c) The President of the Senate, in any case
24 concerning an employee of the Senate; the Speaker of the House
25 of Representatives, in any case concerning an employee of the
26 House of Representatives; or the President and the Speaker,
27 jointly, in any case concerning an employee of a committee of
28 the Legislature whose members are appointed solely by the
29 President and the Speaker or in any case concerning an
30 employee of the Public Counsel, Public Service Commission,
31

1 Auditor General, Legislative Committee on Intergovernmental
2 Relations, or Advisory Council on Environmental Education.

3 (d) Except as otherwise provided by this part, the
4 Governor, in the case of any other public officer, public
5 employee, former public officer or public employee, candidate,
6 or former candidate.

7 (e) The President of the Senate or the Speaker of the
8 House of Representatives, whichever is applicable, in any case
9 concerning a former member of the Legislature who has violated
10 a provision applicable to former members or whose violation
11 occurred while a member of the Legislature.

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

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

1 evidence to establish probable cause to believe a violation
2 has occurred, the chair thereof shall transmit such findings
3 to the Governor who shall convene a meeting of the Governor,
4 the President of the Senate, the Speaker of the House of
5 Representatives, and the Chief Justice of the Supreme Court to
6 take such final action on the complaint as they shall deem
7 appropriate, consistent with the penalty provisions of this
8 part. Upon request of a majority of the Governor, the
9 President of the Senate, the Speaker of the House of
10 Representatives, and the Chief Justice of the Supreme Court,
11 the special joint committee shall submit a recommendation as
12 to what penalty, if any, should be imposed.

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

24 (b) If the commission undertakes to investigate a
25 reporting individual for failing to properly report under s.
26 8, Art. II of the State Constitution, s. 112.3144, or s.
27 112.3145 and the investigation reveals and the commission
28 finds that the error was technical or minor in nature, the
29 commission may notify the respondent of the error and may
30 request that an amended report correcting the error be filed
31 with the commission and the filing officer within 10 days

1 after the respondent receives the notice. The commission shall
2 dismiss the matter without further proceedings if:

3 1. The reporting individual timely files an amended
4 report correcting the error;

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

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

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

12 914.21 Definitions.--As used in ss. 914.22-914.24, the
13 term:

14 (1) "Bodily injury" means:

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

16 (b) Physical pain;

17 (c) Illness;

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

20 (e) Any other injury to the body, no matter how
21 temporary.

22 (2) "Misleading conduct" means:

23 (a) Knowingly making a false statement;

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

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

31

1 (d) With intent to mislead, knowingly submitting or
2 inviting reliance on a sample, specimen, map, photograph,
3 boundary mark, or other object that is misleading in a
4 material respect; or

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

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

11 (4) "Official proceeding" means:

12 (a) A proceeding before a judge or court or a grand
13 jury;

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

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

17 (d) A proceeding before the Florida Commission on
18 Ethics.

19 (5) "Physical force" means physical action against
20 another and includes confinement.

21 Section 11. Subsection (9) of section 112.322, Florida
22 Statutes, is repealed.

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

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

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

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

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

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

22 (b) Public financial reporting.--

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

31

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

7 Section 13. Sections 839.08, 839.09, 839.091, and
8 839.10, Florida Statutes, are repealed.

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

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

23 Section 15. Section 112.31905, Florida Statutes, is
24 created to read:

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

30 (1) Complete a course of study of at least 3 hours
31 regarding the requirements of this part, the public records

1 law of chapter 119, the public meetings law in chapter 286,
2 and chapter 838.

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

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

12 112.322 Duties and powers of commission.--

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

22 Section 17. The provisions of this act requiring a
23 person to file a final disclosure statement within 60 days
24 after leaving his or her public position, including the
25 notification requirements relating to final filings, apply to
26 persons leaving office or employment on or after the date this
27 act becomes a law.

28 Section 18. Section 112.3147, Florida Statutes, is
29 amended to read:

30 112.3147 Forms.--

31

1 (1) All information required to be furnished by ss.
2 112.313, 112.3143, 112.3144,112.3145, 112.3148, ~~and~~ 112.3149,
3 and 112.31905 and by s. 8, Art. II of the State Constitution
4 shall be on forms prescribed by the Commission on Ethics.

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

16 (2)(b)1. With respect to reporting liabilities valued
17 in excess of \$1,000 on forms prescribed pursuant to s.
18 112.3144 for which the reporting individual is jointly and
19 severally liable, the amount reported shall be based upon the
20 reporting individual's percentage of liability rather than the
21 total amount of the liability, except, a joint and several
22 liability with the reporting individual's spouse for a debt
23 which relates to property owned by both as tenants by the
24 entirety shall be reported at 100 percent of the total amount
25 owed.

26 2. A separate section of the form shall be created to
27 provide for the reporting of the amounts of joint and several
28 liability of the reporting individual not otherwise reported
29 in paragraph (a).
30
31

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

4 Section 20. This act, except for this section and
5 section 17, which shall take effect upon becoming law, shall
6 take effect January 1, 2001.

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