

1 A bill to be entitled
 2 An act relating to ethics; amending s. 104.31, F.S.;
 3 prohibiting state or political subdivision employees from
 4 participating in political campaigns during on-duty hours
 5 or certain other hours; amending s. 112.313, F.S.;
 6 applying the prohibition on disclosure or use of certain
 7 information to former public officers, public employees,
 8 and local government attorneys; providing an exception to
 9 such prohibition; revising postemployment restrictions to
 10 apply to other-personal-services temporary employees;
 11 exempting certain agency employees from postemployment
 12 restrictions; providing for certain disclosure statements
 13 to be filed with the Commission on Ethics instead of the
 14 Department of State; revising a prohibition on lobbying by
 15 former local officers to preclude representation before
 16 the government body or agency an officer has served;
 17 providing applicability; amending s. 112.3144, F.S.;
 18 providing for reporting of assets held by joint tenancy,
 19 joint tenancy with right of survivorship, and partnership
 20 and reporting of certain liabilities; amending s.
 21 112.3145, F.S.; requiring the commission to send
 22 delinquency notices with return receipt requested;
 23 reducing the maximum penalty for late-filed statements of
 24 financial interests; revising the deadline after the grace
 25 period for late-filed statements of financial interests
 26 after which a person will become subject to additional
 27 penalties; revising the deadline for which county
 28 supervisors of elections shall submit to the commission a

29 list of persons who failed to timely file statements of
30 financial interests; authorizing the commission to waive
31 late-filed penalties only upon grounds of inadequate
32 notice; amending s. 112.3147, F.S.; deleting a redundant
33 provision; amending s. 112.3148, F.S.; requiring gift
34 disclosure forms of individuals who left office or
35 employment during the calendar year to be filed by a date
36 certain; allowing quarterly gift disclosure forms to be
37 considered timely filed if postmarked on or before the due
38 date; amending s. 112.3149, F.S.; requiring gift
39 disclosure statements of individuals who left office or
40 employment during the calendar year to be filed by a date
41 certain; amending s. 112.317, F.S.; authorizing the
42 commission to recommend restitution be paid to the agency
43 damaged by the violation or the General Revenue Fund;
44 authorizing the Attorney General to collect certain costs
45 and fees incurred in bringing certain actions; deleting a
46 provision rendering a breach of confidentiality of an
47 ethics proceeding a misdemeanor; amending s. 112.3185,
48 F.S.; providing for certain former agency employees to be
49 employed by or have a contractual relationship with
50 certain business entities; prohibiting a former agency
51 employee from representing a client before the employee's
52 former agency in certain matters; amending s. 112.3215,
53 F.S.; revising the commission's rulemaking authority
54 regarding appeals of certain fines; providing for
55 automatic suspended registration for lobbyists who fail to
56 timely pay a certain fine; providing an exception;

57 | amending s. 112.322, F.S.; revising provisions relating to
 58 | payment of witnesses; amending s. 914.21, F.S.; revising
 59 | definitions; providing an effective date.

60 |

61 | Be It Enacted by the Legislature of the State of Florida:

62 |

63 | Section 1. Subsections (2) and (3) of section 104.31,
 64 | Florida Statutes, are renumbered as subsections (3) and (4),
 65 | respectively, and a new subsection (2) is added to said section,
 66 | to read:

67 | 104.31 Political activities of state, county, and
 68 | municipal officers and employees.--

69 | (2) An employee of the state or any political subdivision
 70 | may not participate in any political campaign for an elective
 71 | office while on duty or within any period of time during which
 72 | he or she receives compensation from the state.

73 | Section 2. Subsections (8), (9), (12), and (14) of section
 74 | 112.313, Florida Statutes, are amended to read:

75 | 112.313 Standards of conduct for public officers,
 76 | employees of agencies, and local government attorneys.--

77 | (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--No current
 78 | or former public officer, employee of an agency, or local
 79 | government attorney shall disclose or use information not
 80 | available to members of the general public and gained by reason
 81 | of his or her official position, except for information relating
 82 | exclusively to governmental practices, for his or her personal
 83 | gain or benefit or for the personal gain or benefit of any other
 84 | person or business entity.

85 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 86 LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

87 (a)1. It is the intent of the Legislature to implement by
 88 statute the provisions of s. 8(e), Art. II of the State
 89 Constitution relating to legislators, statewide elected
 90 officers, appointed state officers, and designated public
 91 employees.

92 2. As used in this paragraph:

93 a. "Employee" means:

94 (I) Any person employed in the executive or legislative
 95 branch of government holding a position in the Senior Management
 96 Service as defined in s. 110.402 or any person holding a
 97 position in the Selected Exempt Service as defined in s. 110.602
 98 or any person having authority over policy or procurement
 99 employed by the Department of the Lottery.

100 (II) The Auditor General, the director of the Office of
 101 Program Policy Analysis and Government Accountability, the
 102 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 103 at Arms and Clerk of the House of Representatives.

104 (III) The executive director of the Legislative Committee
 105 on Intergovernmental Relations and the executive director and
 106 deputy executive director of the Commission on Ethics.

107 (IV) An executive director, staff director, or deputy
 108 staff director of each joint committee, standing committee, or
 109 select committee of the Legislature; an executive director,
 110 staff director, executive assistant, analyst, or attorney of the
 111 Office of the President of the Senate, the Office of the Speaker
 112 of the House of Representatives, the Senate Majority Party

113 Office, Senate Minority Party Office, House Majority Party
 114 Office, or House Minority Party Office; or any person, hired on
 115 a contractual basis, having the power normally conferred upon
 116 such persons, by whatever title.

117 (V) The Chancellor and Vice Chancellors of the State
 118 University System; the general counsel to the Board of Regents;
 119 and the president, vice presidents, and deans of each state
 120 university.

121 (VI) Any person, including an other-personal-services
 122 temporary employee, having the power normally conferred upon the
 123 positions referenced in this sub-subparagraph.

124 b. "Appointed state officer" means any member of an
 125 appointive board, commission, committee, council, or authority
 126 of the executive or legislative branch of state government whose
 127 powers, jurisdiction, and authority are not solely advisory and
 128 include the final determination or adjudication of any personal
 129 or property rights, duties, or obligations, other than those
 130 relative to its internal operations.

131 c. "State agency" means an entity of the legislative,
 132 executive, or judicial branch of state government over which the
 133 Legislature exercises plenary budgetary and statutory control.

134 3. No member of the Legislature, appointed state officer,
 135 or statewide elected officer shall personally represent another
 136 person or entity for compensation before the government body or
 137 agency of which the individual was an officer or member for a
 138 period of 2 years following vacation of office. No member of the
 139 Legislature shall personally represent another person or entity
 140 for compensation during his or her term of office before any

141 state agency other than judicial tribunals or in settlement
 142 negotiations after the filing of a lawsuit.

143 4. No agency employee shall personally represent another
 144 person or entity for compensation before the agency with which
 145 he or she was employed for a period of 2 years following
 146 vacation of position, unless employed by another agency of state
 147 government.

148 5. Any person violating this paragraph shall be subject to
 149 the penalties provided in s. 112.317 and a civil penalty of an
 150 amount equal to the compensation which the person receives for
 151 the prohibited conduct.

152 6. This paragraph is not applicable to:

153 a. A person employed by the Legislature or other agency
 154 prior to July 1, 1989;

155 b. A person who was employed by the Legislature or other
 156 agency on July 1, 1989, whether or not the person was a defined
 157 employee on July 1, 1989;

158 c. A person who was a defined employee of the State
 159 University System or the Public Service Commission who held such
 160 employment on December 31, 1994;

161 d. A person who has reached normal retirement age as
 162 defined in s. 121.021(29), and who has retired under the
 163 provisions of chapter 121 by July 1, 1991; ~~or~~

164 e. Any appointed state officer whose term of office began
 165 before January 1, 1995, unless reappointed to that office on or
 166 after January 1, 1995; or

167 f. An agency employee whose position was transferred from
 168 the Career Service System to the Selected Exempt Service

169 pursuant to chapter 2001-43, Laws of Florida.

170 (b) In addition to the provisions of this part which are
 171 applicable to legislators and legislative employees by virtue of
 172 their being public officers or employees, the conduct of members
 173 of the Legislature and legislative employees shall be governed
 174 by the ethical standards provided in the respective rules of the
 175 Senate or House of Representatives which are not in conflict
 176 herewith.

177 (12) EXEMPTION.--The requirements of subsections (3) and
 178 (7) as they pertain to persons serving on advisory boards may be
 179 waived in a particular instance by the body which appointed the
 180 person to the advisory board, upon a full disclosure of the
 181 transaction or relationship to the appointing body prior to the
 182 waiver and an affirmative vote in favor of waiver by two-thirds
 183 vote of that body. In instances in which appointment to the
 184 advisory board is made by an individual, waiver may be effected,
 185 after public hearing, by a determination by the appointing
 186 person and full disclosure of the transaction or relationship by
 187 the appointee to the appointing person. In addition, no person
 188 shall be held in violation of subsection (3) or subsection (7)
 189 if:

190 (a) Within a city or county the business is transacted
 191 under a rotation system whereby the business transactions are
 192 rotated among all qualified suppliers of the goods or services
 193 within the city or county.

194 (b) The business is awarded under a system of sealed,
 195 competitive bidding to the lowest or best bidder and:

196 1. The official or the official's spouse or child has in

197 no way participated in the determination of the bid
 198 specifications or the determination of the lowest or best
 199 bidder;

200 2. The official or the official's spouse or child has in
 201 no way used or attempted to use the official's influence to
 202 persuade the agency or any personnel thereof to enter such a
 203 contract other than by the mere submission of the bid; and

204 3. The official, prior to or at the time of the submission
 205 of the bid, has filed a statement with the Commission on Ethics
 206 ~~Department of State~~, if the official is a state officer or
 207 employee, or with the supervisor of elections of the county in
 208 which the agency has its principal office, if the official is an
 209 officer or employee of a political subdivision, disclosing the
 210 official's interest, or the interest of the official's spouse or
 211 child, and the nature of the intended business.

212 (c) The purchase or sale is for legal advertising in a
 213 newspaper, for any utilities service, or for passage on a common
 214 carrier.

215 (d) An emergency purchase or contract which would
 216 otherwise violate a provision of subsection (3) or subsection
 217 (7) must be made in order to protect the health, safety, or
 218 welfare of the citizens of the state or any political
 219 subdivision thereof.

220 (e) The business entity involved is the only source of
 221 supply within the political subdivision of the officer or
 222 employee and there is full disclosure by the officer or employee
 223 of his or her interest in the business entity to the governing
 224 body of the political subdivision prior to the purchase, rental,

225 sale, leasing, or other business being transacted.

226 (f) The total amount of the transactions in the aggregate
 227 between the business entity and the agency does not exceed \$500
 228 per calendar year.

229 (g) The fact that a county or municipal officer or member
 230 of a public board or body, including a district school officer
 231 or an officer of any district within a county, is a stockholder,
 232 officer, or director of a bank will not bar such bank from
 233 qualifying as a depository of funds coming under the
 234 jurisdiction of any such public board or body, provided it
 235 appears in the records of the agency that the governing body of
 236 the agency has determined that such officer or member of a
 237 public board or body has not favored such bank over other
 238 qualified banks.

239 (h) The transaction is made pursuant to s. 1004.22 or s.
 240 1004.23 and is specifically approved by the president and the
 241 chair of the university board of trustees. The chair of the
 242 university board of trustees shall submit to the Governor and
 243 the Legislature by March 1 of each year a report of the
 244 transactions approved pursuant to this paragraph during the
 245 preceding year.

246 (i) The public officer or employee purchases in a private
 247 capacity goods or services, at a price and upon terms available
 248 to similarly situated members of the general public, from a
 249 business entity which is doing business with his or her agency.

250 (j) The public officer or employee in a private capacity
 251 purchases goods or services from a business entity which is
 252 subject to the regulation of his or her agency and:

253 1. The price and terms of the transaction are available to
 254 similarly situated members of the general public; and

255 2. The officer or employee makes full disclosure of the
 256 relationship to the agency head or governing body prior to the
 257 transaction.

258 (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.--A
 259 person who has been elected to any county, municipal, special
 260 district, or school district office may not personally represent
 261 another person or entity for compensation before the government
 262 ~~governing~~ body or agency of which the person served as ~~was~~ an
 263 officer for a period of 2 years after vacating that office.

264 Section 3. Subsections (4), (5), and (6) of section
 265 112.3144, Florida Statutes, are renumbered as subsections (5),
 266 (6), and (7), respectively, paragraph (g) of present subsection
 267 (4) is amended, and a new subsection (4) is added to said
 268 section to read:

269 112.3144 Full and public disclosure of financial
 270 interests.--

271 (4)(a) The reported amount of assets valued in excess of
 272 \$1,000 on forms prescribed pursuant to this section which the
 273 reporting individual holds jointly with another person shall be
 274 based on the reporting individual's legal percentage of
 275 ownership in the property, except that assets held jointly, with
 276 right of survivorship, shall be reported at 100 percent of the
 277 value of the asset. For purposes of this subsection, a reporting
 278 individual is deemed to own an interest in a partnership which
 279 corresponds to the reporting individual's interest in the
 280 capital or equity of the partnership.

281 (b)1. The reported amount of liabilities valued in excess
 282 of \$1,000 on forms prescribed pursuant to this section for which
 283 the reporting individual is jointly and severally liable shall
 284 be based upon the reporting individual's percentage of liability
 285 rather than the total amount of the liability. Debt secured by
 286 property owned by the reporting individual that is held jointly,
 287 with right of survivorship, shall be reported at 100 percent of
 288 the total amount owed.

289 2. A separate section of the form shall be created to
 290 provide for the reporting of the amounts of joint and several
 291 liability of the reporting individual not otherwise reported in
 292 subparagraph 1.

293 ~~(5)(4)~~ Forms for compliance with the full and public
 294 disclosure requirements of s. 8, Art. II of the State
 295 Constitution shall be created by the Commission on Ethics. The
 296 commission shall give notice of disclosure deadlines and
 297 delinquencies and distribute forms in the following manner:

298 (g) The notification requirements and fines of this
 299 subsection do not apply to candidates or to the first filing
 300 required of any person appointed to elective constitutional
 301 office or other position required to file full and public
 302 disclosure, unless the person's name is on the commission's
 303 notification list and the person received notification from the
 304 commission. The appointing official shall notify such newly
 305 appointed person of the obligation to file full and public
 306 disclosure by July 1. The notification requirements and fines of
 307 this subsection do not apply to the final filing provided for in
 308 subsection (6)(5).

309 Section 4. Paragraphs (c), (d), and (f) of subsection (6)
 310 of section 112.3145, Florida Statutes, are amended to read:

311 112.3145 Disclosure of financial interests and clients
 312 represented before agencies.--

313 (6) Forms for compliance with the disclosure requirements
 314 of this section and a current list of persons subject to
 315 disclosure shall be created by the commission and provided to
 316 each supervisor of elections. The commission and each supervisor
 317 of elections shall give notice of disclosure deadlines and
 318 delinquencies and distribute forms in the following manner:

319 (c) Not later than 30 days after July 1 of each year, the
 320 commission and each supervisor of elections shall determine
 321 which persons required to file a statement of financial
 322 interests in their respective offices have failed to do so and
 323 shall send delinquency notices by certified mail, return receipt
 324 requested, to such persons. Each notice shall state that a grace
 325 period is in effect until September 1 of the current year; that
 326 no investigative or disciplinary action based upon the
 327 delinquency will be taken by the agency head or commission if
 328 the statement is filed by September 1 of the current year; that,
 329 if the statement is not filed by September 1 of the current
 330 year, a fine of \$25 for each day late will be imposed, up to a
 331 maximum penalty of \$300 ~~\$1,500~~; for notices sent by a supervisor
 332 of elections, that he or she is required by law to notify the
 333 commission of the delinquency; and that, if upon the filing of a
 334 sworn complaint the commission finds that the person has failed
 335 to timely file the statement within 12 ~~60~~ days after September 1

336 of the current year, such person will also be subject to the
 337 penalties provided in s. 112.317.

338 (d) No later than October 1 ~~November 15~~ of each year, the
 339 supervisor of elections in each county shall certify to the
 340 commission a list of the names and addresses of, and the offices
 341 or positions held by, all persons who have failed to timely file
 342 the required statements of financial interests. The
 343 certification must include the earliest of the dates described
 344 in subparagraph (f)1. The certification shall be on a form
 345 prescribed by the commission and shall indicate whether the
 346 supervisor of elections has provided the disclosure forms and
 347 notice as required by this subsection to all persons named on
 348 the delinquency list.

349 (f) Any person who is required to file a statement of
 350 financial interests and whose name is on the commission's
 351 mailing list but who fails to timely file is assessed a fine of
 352 \$25 per day for each day late up to a maximum of \$300 ~~\$1,500~~;
 353 however, this \$300 ~~\$1,500~~ limitation on automatic fines does not
 354 limit the civil penalty that may be imposed if the statement is
 355 filed more than 12 ~~60~~ days after the deadline and a complaint is
 356 filed, as provided in s. 112.324. The commission must provide by
 357 rule the grounds for waiving the fine and procedures by which
 358 each person whose name is on the mailing list and who is
 359 determined to have not filed in a timely manner will be notified
 360 of assessed fines and may appeal. The rule must provide for and
 361 make specific the following:

362 1. The amount of the fine due is based upon the earliest
 363 of the following:

- 364 a. When a statement is actually received by the office.
- 365 b. When the statement is postmarked.
- 366 c. When the certificate of mailing is dated.
- 367 d. When the receipt from an established courier company is
- 368 dated.

369 2. For a specified state employee or a state officer, upon
 370 receipt of the disclosure statement by the commission or upon
 371 accrual of the maximum penalty, whichever occurs first, and for
 372 a local officer upon receipt by the commission of the
 373 certification from the local officer's supervisor of elections
 374 pursuant to paragraph (d), the commission shall determine the
 375 amount of the fine which is due and shall notify the delinquent
 376 person. The notice must include an explanation of the appeal
 377 procedure under subparagraph 3. The fine must be paid within 30
 378 days after the notice of payment due is transmitted, unless
 379 appeal is made to the commission pursuant to subparagraph 3. The
 380 moneys are to be deposited into the General Revenue Fund.

381 3. Any reporting person may appeal or dispute a fine,
 382 based upon a failure of notice of the requirements to file the
 383 annual disclosure ~~unusual circumstances surrounding the failure~~
 384 ~~to file on the designated due date~~, and may request and is
 385 entitled to a hearing before the commission, which may waive the
 386 fine in whole or in part based upon a failure of adequate notice
 387 ~~for good cause shown~~. Any such request must be made within 30
 388 days after the notice of payment due is transmitted. In such a
 389 case, the reporting person must, within the 30-day period,
 390 notify the person designated to review the timeliness of reports

391 in writing of his or her intention to bring the matter before
 392 the commission.

393 Section 5. Section 112.3147, Florida Statutes, is amended
 394 to read:

395 112.3147 Forms.--

396 ~~(1)~~ All information required to be furnished by ss.
 397 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149
 398 and by s. 8, Art. II of the State Constitution shall be on forms
 399 prescribed by the Commission on Ethics.

400 ~~(2)(a) With respect to reporting assets valued in excess~~
 401 ~~of \$1,000 on forms prescribed pursuant to s. 112.3144 which the~~
 402 ~~reporting individual holds jointly with another person, the~~
 403 ~~amount reported shall be based on the reporting individual's~~
 404 ~~legal percentage of ownership in the property, except that~~
 405 ~~assets held jointly with the reporting individual's spouse shall~~
 406 ~~be reported at 100 percent of the value of the asset. For~~
 407 ~~purposes of this subsection, a reporting individual is deemed to~~
 408 ~~own an interest in a partnership which corresponds to the~~
 409 ~~reporting individual's interest in the capital or equity of the~~
 410 ~~partnership.~~

411 ~~(b)1. With respect to reporting liabilities valued in~~
 412 ~~excess of \$1,000 on forms prescribed pursuant to s. 112.3144 for~~
 413 ~~which the reporting individual is jointly and severally liable,~~
 414 ~~the amount reported shall be based upon the reporting~~
 415 ~~individual's percentage of liability rather than the total~~
 416 ~~amount of the liability, except, a joint and several liability~~
 417 ~~with the reporting individual's spouse for a debt which relates~~

418 ~~to property owned by both as tenants by the entirety shall be~~
 419 ~~reported at 100 percent of the total amount owed.~~

420 ~~2. A separate section of the form shall be created to~~
 421 ~~provide for the reporting of the amounts of joint and several~~
 422 ~~liability of the reporting individual not otherwise reported in~~
 423 ~~paragraph (a).~~

424 Section 6. Paragraph (d) of subsection (6) and subsection
 425 (8) of section 112.3148, Florida Statutes, are amended to read:

426 112.3148 Reporting and prohibited receipt of gifts by
 427 individuals filing full or limited public disclosure of
 428 financial interests and by procurement employees.--

429 (6)

430 (d) No later than July 1 of each year, each reporting
 431 individual or procurement employee shall file a statement
 432 listing each gift having a value in excess of \$100 received by
 433 the reporting individual or procurement employee, either
 434 directly or indirectly, from a governmental entity or a direct-
 435 support organization specifically authorized by law to support a
 436 governmental entity. The statement shall list the name of the
 437 person providing the gift, a description of the gift, the date
 438 or dates on which the gift was given, and the value of the total
 439 gifts given during the calendar year for which the report is
 440 made. The reporting individual or procurement employee shall
 441 attach to such statement any report received by him or her in
 442 accordance with paragraph (c), which report shall become a
 443 public record when filed with the statement of the reporting
 444 individual or procurement employee. The reporting individual or
 445 procurement employee may explain any differences between the

446 report of the reporting individual or procurement employee and
 447 the attached reports. The annual report filed by a reporting
 448 individual shall be filed with the financial disclosure
 449 statement required by either s. 8, Art. II of the State
 450 Constitution or s. 112.3145, as applicable to the reporting
 451 individual. The annual report filed by a procurement employee
 452 shall be filed with the Commission on Ethics. The report filed
 453 by a reporting individual or procurement employee who left
 454 office or employment during the calendar year covered by the
 455 report shall be filed by July 1 of the year after leaving office
 456 or employment at the same location as his or her final financial
 457 disclosure statement or, in the case of a former procurement
 458 employee, with the Commission on Ethics.

459 (8)(a) Each reporting individual or procurement employee
 460 shall file a statement with the Commission on Ethics no later
 461 than ~~on~~ the last day of each calendar quarter, for the previous
 462 calendar quarter, containing a list of gifts which he or she
 463 believes to be in excess of \$100 in value, if any, accepted by
 464 him or her, for which compensation was not provided by the donee
 465 to the donor within 90 days of receipt of the gift to reduce the
 466 value to \$100 or less, except the following:

- 467 1. Gifts from relatives.
- 468 2. Gifts prohibited by subsection (4) or s. 112.313(4).
- 469 3. Gifts otherwise required to be disclosed by this
 470 section.

471 (b) The statement shall include:

- 472 1. A description of the gift, the monetary value of the
 473 gift, the name and address of the person making the gift, and

474 the dates thereof. If any of these facts, other than the gift
 475 description, are unknown or not applicable, the report shall so
 476 state.

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

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

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

485 (e) Statements shall be filed not later than 5 p.m. of the
 486 due date. However, any statement that is postmarked by the
 487 United States Postal Service by midnight of the due date shall
 488 be deemed to have been filed in a timely manner, and a
 489 certificate of mailing obtained from and dated by the United
 490 States Postal Service at the time of the mailing, or a receipt
 491 from an established courier company which bears a date on or
 492 before the due date, shall be proof of mailing in a timely
 493 manner.

494 ~~(f)(e)~~ If a reporting individual or procurement employee
 495 has not received any gifts described in paragraph (a) during a
 496 calendar quarter, he or she is not required to file a statement
 497 under this subsection for that calendar quarter.

498 Section 7. Subsection (6) of section 112.3149, Florida
 499 Statutes, is amended to read:

500 112.3149 Solicitation and disclosure of honoraria.--

501 (6) A reporting individual or procurement employee who
502 receives payment or provision of expenses related to any
503 honorarium event from a person who is prohibited by subsection
504 (4) from paying an honorarium to a reporting individual or
505 procurement employee shall publicly disclose on an annual
506 statement the name, address, and affiliation of the person
507 paying or providing the expenses; the amount of the honorarium
508 expenses; the date of the honorarium event; a description of the
509 expenses paid or provided on each day of the honorarium event;
510 and the total value of the expenses provided to the reporting
511 individual or procurement employee in connection with the
512 honorarium event. The annual statement of honorarium expenses
513 shall be filed by July 1 of each year for such expenses received
514 during the previous calendar year. The reporting individual or
515 procurement employee shall attach to the annual statement a copy
516 of each statement received by him or her in accordance with
517 subsection (5) regarding honorarium expenses paid or provided
518 during the calendar year for which the annual statement is
519 filed. Such attached statement shall become a public record upon
520 the filing of the annual report. The annual statement of a
521 reporting individual shall be filed with the financial
522 disclosure statement required by either s. 8, Art. II of the
523 State Constitution or s. 112.3145, as applicable to the
524 reporting individual. The annual statement of a procurement
525 employee shall be filed with the Commission on Ethics. The
526 statement filed by a reporting individual or procurement
527 employee who left office or employment during the calendar year
528 covered by the statement shall be filed by July 1 of the year

529 after leaving office or employment at the same location as his
 530 or her final financial disclosure statement or, in the case of a
 531 former procurement employee, with the Commission on Ethics.

532 Section 8. Subsections (1), (2), and (6) of section
 533 112.317, Florida Statutes, are amended, and subsections (7) and
 534 (8) are renumbered as subsections (6) and (7), to read:

535 112.317 Penalties.--

536 (1) Violation of any provision of this part, including,
 537 but not limited to, any failure to file any disclosures required
 538 by this part or violation of any standard of conduct imposed by
 539 this part, or violation of any provision of s. 8, Art. II of the
 540 State Constitution, in addition to any criminal penalty or other
 541 civil penalty involved, shall, pursuant to applicable
 542 constitutional and statutory procedures, constitute grounds for,
 543 and may be punished by, one or more of the following:

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

- 545 1. Impeachment.
- 546 2. Removal from office.
- 547 3. Suspension from office.
- 548 4. Public censure and reprimand.
- 549 5. Forfeiture of no more than one-third salary per month
 550 for no more than 12 months.
- 551 6. A civil penalty not to exceed \$10,000.
- 552 7. Restitution of any pecuniary benefits received because
 553 of the violation committed. The commission may recommend that
 554 the restitution penalty be paid to the agency of which the
 555 public officer was a member or to the General Revenue Fund of
 556 the state.

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

- 560 1. Dismissal from employment.
- 561 2. Suspension from employment for not more than 90 days
 562 without pay.
- 563 3. Demotion.
- 564 4. Reduction in salary level.
- 565 5. Forfeiture of no more than one-third salary per month
 566 for no more than 12 months.
- 567 6. A civil penalty not to exceed \$10,000.
- 568 7. Restitution of any pecuniary benefits received because
 569 of the violation committed. The commission may recommend that
 570 the restitution penalty be paid to the agency by which such
 571 public employee was employed or of which such officer was deemed
 572 to be an employee or to the General Revenue Fund of the state.
- 573 8. Public censure and reprimand.

574 (c) In the case of a candidate who violates the provisions
 575 of this part or s. 8(a) and (i), Art. II of the State
 576 Constitution:

- 577 1. Disqualification from being on the ballot.
- 578 2. Public censure.
- 579 3. Reprimand.
- 580 4. A civil penalty not to exceed \$10,000.

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

- 585 1. Public censure and reprimand.
- 586 2. A civil penalty not to exceed \$10,000.
- 587 3. Restitution of any pecuniary benefits received because
- 588 of the violation committed. The commission may recommend that
- 589 the restitution penalty be paid to the agency of which such
- 590 public officer was a member or deemed to be an employee or by
- 591 which such public employee was employed or to the General
- 592 Revenue Fund of the state.

593 (2) In any case in which the commission finds a violation

594 of this part or of s. 8, Art. II of the State Constitution and

595 the proper disciplinary official or body under s. 112.324

596 imposes ~~recommends~~ a civil penalty or restitution penalty, the

597 Attorney General shall bring a civil action to recover such

598 penalty. No defense may be raised in the civil action to enforce

599 the civil penalty or order of restitution that could have been

600 raised by judicial review of the administrative findings and

601 recommendations of the commission by certiorari to the district

602 court of appeal. The Attorney General shall be entitled to

603 collect any costs, attorney's fees, expert witness fees, or

604 other costs of collection incurred in bringing such action.

605 ~~(6) Any person who willfully discloses, or permits to be~~

606 ~~disclosed, his or her intention to file a complaint, the~~

607 ~~existence or contents of a complaint which has been filed with~~

608 ~~the commission, or any document, action, or proceeding in~~

609 ~~connection with a confidential preliminary investigation of the~~

610 ~~commission, before such complaint, document, action, or~~

611 ~~proceeding becomes a public record as provided herein commits a~~

612 ~~misdemeanor of the first degree, punishable as provided in s.~~
 613 ~~775.082 or s. 775.083.~~

614 Section 9. Section 112.3185, Florida Statutes, is amended
 615 to read:

616 112.3185 Additional standards for state agency employees
 617 ~~Contractual services.--~~

618 (1) For the purposes of this section:

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

621 (b) "Agency" means any state officer, department, board,
 622 commission, or council of the executive or judicial branch of
 623 state government and includes the Public Service Commission.

624 (2) No agency employee who participates through decision,
 625 approval, disapproval, recommendation, preparation of any part
 626 of a purchase request, influencing the content of any
 627 specification or procurement standard, rendering of advice,
 628 investigation, or auditing or in any other advisory capacity in
 629 the procurement of contractual services shall become or be,
 630 while an agency employee, the employee of a person contracting
 631 with the agency by whom the employee is employed.

632 (3) No agency employee shall, after retirement or
 633 termination, have or hold any employment or contractual
 634 relationship with any business entity other than an agency in
 635 connection with any contract in which the agency employee
 636 participated personally and substantially through decision,
 637 approval, disapproval, recommendation, rendering of advice, or
 638 investigation while an officer or employee. When the agency
 639 employee's position is eliminated and his or her duties are

640 performed by the business entity, this subsection shall not
 641 prohibit him or her from an employment or contractual
 642 relationship with the business entity if the employee's
 643 participation in the contract during agency employment was
 644 limited to recommendation, rendering of advice, or investigation
 645 and if the agency head determines that the best interests of the
 646 state shall be served thereby and provides written approval of
 647 the employment or contractual relationship prior to the
 648 employee's employment or contractual relationship.

649 (4) No agency employee shall, within 2 years after
 650 retirement or termination, have or hold any employment or
 651 contractual relationship with any business entity other than an
 652 agency in connection with any contract for contractual services
 653 which was within his or her responsibility while an employee. If
 654 the agency employee's position is eliminated and his or her
 655 duties are performed by the business entity, the provisions of
 656 this subsection may be waived by the agency head if the agency
 657 head determines that the best interests of the state shall be
 658 served thereby and provides written approval of the employment
 659 or contractual relationship prior to the employee's employment
 660 or contractual relationship.

661 (5) The sum of money paid to a former agency employee
 662 during the first year after the cessation of his or her
 663 responsibilities, by the agency with whom he or she was
 664 employed, for contractual services provided to the agency, shall
 665 not exceed the annual salary received on the date of cessation
 666 of his or her responsibilities. The provisions of this
 667 subsection may be waived by the agency head for a particular

668 contract if the agency head determines that such waiver will
 669 result in significant time or cost savings for the state.

670 (6) No agency employee shall, after retirement or
 671 termination, represent or advise another person or entity,
 672 except the state, in any matter in which the employee
 673 participated personally in his or her official capacity through
 674 decision, approval, disapproval, recommendation, rendering of
 675 advice, investigation, or otherwise while an employee. The term
 676 "matter" includes any judicial or other proceeding, application,
 677 request for a ruling or other determination, contract, claim,
 678 controversy, investigation, charge, accusation, arrest, or other
 679 particular action involving a specific party or parties.

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

686 ~~(8)(7)~~ A violation of any provision of this section is
 687 punishable in accordance with s. 112.317.

688 ~~(9)(8)~~ This section is not applicable to any employee of
 689 the Public Service Commission who was so employed on or before
 690 December 31, 1994.

691 Section 10. Paragraph (f) of subsection (5) of section
 692 112.3215, Florida Statutes, is amended to read:

693 112.3215 Lobbyists before the executive branch or the
 694 Constitution Revision Commission; registration and reporting;
 695 investigation by commission.--

696 (5)

697 (f) The commission shall provide by rule the grounds for
698 waiving the fine and the procedures ~~a procedure~~ by which a
699 lobbyist who fails to timely file a report shall be notified and
700 assessed fines and may appeal. The rule shall provide for the
701 following:

702 1. Upon determining that the report is late, the person
703 designated to review the timeliness of reports shall immediately
704 notify the lobbyist as to the failure to timely file the report
705 and that a fine is being assessed for each late day. The fine
706 shall be \$50 per day per report for each late day up to a
707 maximum of \$5,000 per late report.

708 2. Upon receipt of the report, the person designated to
709 review the timeliness of reports shall determine the amount of
710 the fine due based upon the earliest of the following:

711 a. When a report is actually received by the lobbyist
712 registration and reporting office.

713 b. When the report is postmarked.

714 c. When the certificate of mailing is dated.

715 d. When the receipt from an established courier company is
716 dated.

717 3. Such fine shall be paid within 30 days after the notice
718 of payment due is transmitted by the Lobbyist Registration
719 Office, unless appeal is made to the commission. The moneys
720 shall be deposited into the Executive Branch Lobby Registration
721 Trust Fund.

722 4. A fine shall not be assessed against a lobbyist the
723 first time any reports for which the lobbyist is responsible are

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724 not timely filed. However, to receive the one-time fine waiver,
725 all reports for which the lobbyist is responsible must be filed
726 within 30 days after the notice that any reports have not been
727 timely filed is transmitted by the Lobbyist Registration Office.
728 A fine shall be assessed for any subsequent late-filed reports.

729 5. Any lobbyist may appeal or dispute a fine, based upon
730 unusual circumstances surrounding the failure to file on the
731 designated due date, and may request and shall be entitled to a
732 hearing before the commission, which shall have the authority to
733 waive the fine in whole or in part for good cause shown. Any
734 such request shall be made within 30 days after the notice of
735 payment due is transmitted by the Lobbyist Registration Office.
736 In such case, the lobbyist shall, within the 30-day period,
737 notify the person designated to review the timeliness of reports
738 in writing of his or her intention to bring the matter before
739 the commission.

740 6. The person designated to review the timeliness of
741 reports shall notify the commission of the failure of a lobbyist
742 to file a report after notice or of the failure of a lobbyist to
743 pay the fine imposed. The registration of a lobbyist who fails
744 to timely pay a fine is automatically suspended until the fine
745 is paid, unless an appeal of the fine is pending before the
746 commission.

747 7. Notwithstanding any provision of chapter 120, any fine
748 imposed under this subsection that is not waived by final order
749 of the commission and that remains unpaid more than 60 days
750 after the notice of payment due or more than 60 days after the
751 commission renders a final order on the lobbyist's appeal shall

752 be collected by the Department of Financial Services as a claim,
 753 debt, or other obligation owed to the state, and the department
 754 may assign the collection of such fine to a collection agent as
 755 provided in s. 17.20.

756 Section 11. Subsection (4) of section 112.322, Florida
 757 Statutes, is amended to read:

758 112.322 Duties and powers of commission.--

759 (4) The commission has the power to subpoena, audit, and
 760 investigate. The commission may subpoena witnesses and compel
 761 their attendance and testimony, administer oaths and
 762 affirmations, take evidence, and require by subpoena the
 763 production of any books, papers, records, or other items
 764 relevant to the performance of the duties of the commission or
 765 to the exercise of its powers. The commission may delegate to
 766 its investigators the authority to administer oaths and
 767 affirmations. The commission may delegate the authority to issue
 768 subpoenas to its chair, and may authorize its employees to serve
 769 any subpoena issued under this section. In the case of a refusal
 770 to obey a subpoena issued to any person, the commission may make
 771 application to any circuit court of this state which shall have
 772 jurisdiction to order the witness to appear before the
 773 commission and to produce evidence, if so ordered, or to give
 774 testimony touching on the matter in question. Failure to obey
 775 the order may be punished by the court as contempt. Witnesses
 776 shall be paid mileage and witnesses fees as authorized for
 777 witnesses in civil cases, except that a witness who is required
 778 to travel outside the county of his or her residence to testify
 779 shall be entitled to per diem and travel expenses at the same

780 rate provided for state employees under s. 112.061, to be paid
 781 after the witness appears.

782 Section 12. Subsections (3) and (4) of section 914.21,
 783 Florida Statutes, are amended to read:

784 914.21 Definitions.--As used in ss. 914.22-914.24, the
 785 term:

786 (3) "Official investigation" means any investigation
 787 instituted by a law enforcement agency or prosecuting officer of
 788 the state or a political subdivision of the state or any
 789 investigation conducted by the Florida Commission on Ethics.

790 (4) "Official proceeding" means:

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

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

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

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

796 Section 13. This act shall take effect July 1, 2005.