

1 A bill to be entitled
2 An act relating to ethics for public officers
3 and employees; amending s. 104.31, F.S.;
4 prohibiting employees of the state and its
5 political subdivisions from participating in a
6 political campaign; amending s. 112.313, F.S.;
7 prohibiting certain disclosures or use by a
8 former public officer, agency employee, or
9 local government attorney; redefining the term
10 "employee" to include certain
11 other-personal-services employees for certain
12 postemployment activities; clarifying that
13 existing postemployment restrictions apply to
14 certain agency employees; providing an
15 exemption from provisions prohibiting conflicts
16 in employment to a person who, after serving on
17 an advisory board, files a statement with the
18 Commission on Ethics relating to a bid or
19 submission; providing definitions; amending s.
20 112.3144, F.S.; specifying how assets and
21 liabilities valued in excess of \$1,000 are to
22 be reported by a reporting individual;
23 conforming a cross-reference; amending s.
24 112.3145, F.S.; requiring that a delinquency
25 notice be sent to certain officeholders by
26 certified mail, return receipt requested;
27 amending s. 112.3147, F.S.; deleting certain
28 provisions relating to reporting the value of
29 assets; amending s. 112.3148, F.S.; providing
30 requirements for persons who have left office
31 or employment as to filing a report relating to

1 | gifts; revising certain filing deadlines;
2 | amending s. 112.3149, F.S.; requiring that a
3 | report of honoraria by a person who left office
4 | or employment be filed by a specified date;
5 | amending s. 112.317, F.S.; authorizing the
6 | commission to recommend a restitution penalty
7 | be paid to the agency or the General Revenue
8 | Fund; authorizing the Attorney General to
9 | recover costs for filing suit to collect
10 | penalties and fines; deleting provisions
11 | imposing a penalty for the disclosure of
12 | information concerning a complaint or an
13 | investigation; amending s. 112.3185, F.S.;
14 | providing additional standards for state agency
15 | employees relating to procurement of goods and
16 | services by a state agency; authorizing an
17 | employee whose position was eliminated to
18 | engage in certain contractual activities;
19 | amending s. 112.321, F.S.; prohibiting an
20 | individual who qualifies as a lobbyist from
21 | serving on the commission; prohibiting a member
22 | of the commission from lobbying any state or
23 | local governmental entity; providing exceptions
24 | for individuals who are members of the
25 | commission on July 1, 2006, until the
26 | expiration of their current terms; amending s.
27 | 11.045, F.S.; redefining the term "expenditure"
28 | for purposes of provisions governing lobbying
29 | before the Legislature; amending s. 112.3215,
30 | F.S.; redefining the term "expenditure" for
31 | purposes of provisions governing lobbying

1 before the executive branch or the Constitution
2 Revision Commission; requiring requirements
3 concerning lobbying to county officers;
4 defining the term "county officer"; requiring
5 the commission to adopt a rule detailing the
6 grounds for waiving a fine and the procedures
7 when a lobbyist fails to timely file his or her
8 report; requiring automatic suspension of
9 certain lobbyist registrations if the fine is
10 not timely paid; requiring the commission to
11 provide written notice to affected principals
12 when a lobbyist's registration is automatically
13 suspended and reinstated; amending s. 112.322,
14 F.S.; authorizing travel and per diem expenses
15 for certain witnesses; amending s. 914.21,
16 F.S.; redefining the terms "official
17 investigation" and "official proceeding," for
18 purposes of provisions relating to tampering
19 with witnesses, to include an investigation by
20 or proceeding before the Commission on Ethics;
21 providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Present subsections (2) and (3) of section
26 104.31, Florida Statutes, are redesignated as subsections (3)
27 and (4), respectively, and a new subsection (2) is added to
28 that section, to read:

29 104.31 Political activities of state, county, and
30 municipal officers and employees.--

31

1 (2) An employee of the state or any political
 2 subdivision may not participate in any political campaign for
 3 an elective office while on duty.

4 Section 2. Subsection (8), paragraph (a) of subsection
 5 (9), paragraph (b) of subsection (12), and subsection (14) of
 6 section 112.313, Florida Statutes, are amended to read:

7 112.313 Standards of conduct for public officers,
 8 employees of agencies, and local government attorneys.--

9 (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A
 10 current or former ~~no~~ public officer, employee of an agency, or
 11 local government attorney may not ~~shall~~ disclose or use
 12 information not available to members of the general public and
 13 gained by reason of his or her official position, except for
 14 information relating exclusively to governmental practices,
 15 for his or her personal gain or benefit or for the personal
 16 gain or benefit of any other person or business entity.

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

19 (a)1. It is the intent of the Legislature to implement
 20 by statute the provisions of s. 8(e), Art. II of the State
 21 Constitution relating to legislators, statewide elected
 22 officers, appointed state officers, and designated public
 23 employees.

24 2. As used in this paragraph:

25 a. "Employee" means:

26 (I) Any person employed in the executive or
 27 legislative branch of government holding a position in the
 28 Senior Management Service as defined in s. 110.402 or any
 29 person holding a position in the Selected Exempt Service as
 30 defined in s. 110.602 or any person having authority over
 31

1 policy or procurement employed by the Department of the
2 Lottery.

3 (II) The Auditor General, the director of the Office
4 of Program Policy Analysis and Government Accountability, the
5 Sergeant at Arms and Secretary of the Senate, and the Sergeant
6 at Arms and Clerk of the House of Representatives.

7 (III) The executive director of the Legislative
8 Committee on Intergovernmental Relations and the executive
9 director and deputy executive director of the Commission on
10 Ethics.

11 (IV) An executive director, staff director, or deputy
12 staff director of each joint committee, standing committee, or
13 select committee of the Legislature; an executive director,
14 staff director, executive assistant, analyst, or attorney of
15 the Office of the President of the Senate, the Office of the
16 Speaker of the House of Representatives, the Senate Majority
17 Party Office, Senate Minority Party Office, House Majority
18 Party Office, or House Minority Party Office; or any person,
19 hired on a contractual basis, having the power normally
20 conferred upon such persons, by whatever title.

21 (V) The Chancellor and Vice Chancellors of the State
22 University System; the general counsel to the Board of
23 Regents; and the president, vice presidents, and deans of each
24 state university.

25 (VI) Any person, including an other-personal-services
26 employee, having the power normally conferred upon the
27 positions referenced in this sub-subparagraph.

28 b. "Appointed state officer" means any member of an
29 appointive board, commission, committee, council, or authority
30 of the executive or legislative branch of state government
31 whose powers, jurisdiction, and authority are not solely

1 advisory and include the final determination or adjudication
2 of any personal or property rights, duties, or obligations,
3 other than those relative to its internal operations.

4 c. "State agency" means an entity of the legislative,
5 executive, or judicial branch of state government over which
6 the Legislature exercises plenary budgetary and statutory
7 control.

8 3. No member of the Legislature, appointed state
9 officer, or statewide elected officer shall personally
10 represent another person or entity for compensation before the
11 government body or agency of which the individual was an
12 officer or member for a period of 2 years following vacation
13 of office. No member of the Legislature shall personally
14 represent another person or entity for compensation during his
15 or her term of office before any state agency other than
16 judicial tribunals or in settlement negotiations after the
17 filing of a lawsuit.

18 4. An ~~no~~ agency employee, including an agency employee
19 who was employed on July 1, 2001, in a Career Service System
20 position that was transferred to the Selected Exempt Service
21 System under chapter 2001-43, Laws of Florida, may not ~~shall~~
22 personally represent another person or entity for compensation
23 before the agency with which he or she was employed for a
24 period of 2 years following vacation of position, unless
25 employed by another agency of state government.

26 5. Any person violating this paragraph shall be
27 subject to the penalties provided in s. 112.317 and a civil
28 penalty of an amount equal to the compensation which the
29 person receives for the prohibited conduct.

30 6. This paragraph is not applicable to:
31

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

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

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

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

12 e. Any appointed state officer whose term of office
13 began before January 1, 1995, unless reappointed to that
14 office on or after January 1, 1995.

15 (12) EXEMPTION.--The requirements of subsections (3)
16 and (7) as they pertain to persons serving on advisory boards
17 may be waived in a particular instance by the body which
18 appointed the person to the advisory board, upon a full
19 disclosure of the transaction or relationship to the
20 appointing body prior to the waiver and an affirmative vote in
21 favor of waiver by two-thirds vote of that body. In instances
22 in which appointment to the advisory board is made by an
23 individual, waiver may be effected, after public hearing, by a
24 determination by the appointing person and full disclosure of
25 the transaction or relationship by the appointee to the
26 appointing person. In addition, no person shall be held in
27 violation of subsection (3) or subsection (7) if:

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

30 1. The official or the official's spouse or child has
31 in no way participated in the determination of the bid

1 specifications or the determination of the lowest or best
2 bidder;

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

7 3. The official, prior to or at the time of the
8 submission of the bid, has filed a statement with the
9 Commission on Ethics ~~Department of State~~, if the official is a
10 state officer or employee, or with the supervisor of elections
11 of the county in which the agency has its principal office, if
12 the official is an officer or employee of a political
13 subdivision, disclosing the official's interest, or the
14 interest of the official's spouse or child, and the nature of
15 the intended business.

16 (14) LOBBYING BY FORMER LOCAL OFFICERS;
17 PROHIBITION.--A person who has been elected to any county,
18 municipal, special district, or school district office may not
19 personally represent another person or entity for compensation
20 before the government governing body or agency of which the
21 person was an officer for a period of 2 years after vacating
22 that office. For purposes of this subsection:

23 (a) The "government body or agency" of a member of a
24 board of county commissioners consists of the commission, the
25 chief administrative officer or employee of the county, and
26 their immediate support staff.

27 (b) The "government body or agency" of any other
28 county elected officer is the office or department headed by
29 that officer, including all subordinate employees.

30 (c) The "government body or agency" of an elected
31 municipal officer consists of the governing body of the

1 municipality, the chief administrative officer or employee of
2 the municipality, and their immediate support staff.

3 (d) The "government body or agency" of an elected
4 special district officer is the special district.

5 (e) The "government body or agency" of an elected
6 school district officer is the school district.

7 Section 3. Present subsection (4) of section 112.3144,
8 Florida Statutes, is redesignated as subsection (5) and
9 amended, present subsections (5) and (6) of that section are
10 redesignated as subsections (6) and (7), respectively, and a
11 new subsection (4) is added to that section, to read:

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

14 (4)(a) With respect to reporting, on forms prescribed
15 under this section, assets valued in excess of \$1,000 which
16 the reporting individual holds jointly with another person,
17 the amount reported shall be based on the reporting
18 individual's legal percentage of ownership in the property.
19 However, assets that are held jointly, with right of
20 survivorship, must be reported at 100 percent of the value of
21 the asset. For purposes of this subsection, a reporting
22 individual is deemed to own a percentage of a partnership
23 which is equal to the reporting individual's interest in the
24 capital or equity of the partnership.

25 (b)1. With respect to reporting liabilities valued in
26 excess of \$1,000 on forms prescribed under this section for
27 which the reporting individual is jointly and severally
28 liable, the amount reported shall be based on the reporting
29 individual's percentage of liability rather than the total
30 amount of the liability. However, liability for a debt that is
31 secured by property owned by the reporting individual but that

1 is held jointly, with right of survivorship, must be reported
2 at 100 percent of the total amount owed.

3 2. A separate section of the form shall be created to
4 provide for the reporting of the amounts of joint and several
5 liability of the reporting individual not otherwise reported
6 in subparagraph 1.

7 ~~(5)(4)~~ Forms for compliance with the full and public
8 disclosure requirements of s. 8, Art. II of the State
9 Constitution shall be created by the Commission on Ethics. The
10 commission shall give notice of disclosure deadlines and
11 delinquencies and distribute forms in the following manner:

12 (a) Not later than May 1 of each year, the commission
13 shall prepare a current list of the names and addresses of and
14 the offices held by every person required to file full and
15 public disclosure annually by s. 8, Art. II of the State
16 Constitution, or other state law. In compiling the list, the
17 commission shall be assisted by each unit of government in
18 providing at the request of the commission the name, address,
19 and name of the office held by each public official within the
20 respective unit of government.

21 (b) Not later than 30 days before July 1 of each year,
22 the commission shall mail a copy of the form prescribed for
23 compliance with full and public disclosure and a notice of the
24 filing deadline to each person on the mailing list.

25 (c) Not later than 30 days after July 1 of each year,
26 the commission shall determine which persons on the mailing
27 list have failed to file full and public disclosure and shall
28 send delinquency notices by certified mail to such persons.
29 Each notice shall state that a grace period is in effect until
30 September 1 of the current year.

31

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

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

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

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

28 b. When the statement is postmarked.

29 c. When the certificate of mailing is dated.

30 d. When the receipt from an established courier
31 company is dated.

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

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

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

29 (g) The notification requirements and fines of this
30 subsection do not apply to candidates or to the first filing
31 required of any person appointed to elective constitutional

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

9 (h) 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 Financial Services as a
15 claim, debt, or other obligation owed to the state, and the
16 department shall assign the collection of such fine to a
17 collection agent as provided in s. 17.20.

18 Section 4. Paragraph (c) of subsection (6) of section
19 112.3145, Florida Statutes, is amended to read:

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

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

29 (c) Not later than 30 days after July 1 of each year,
30 the commission and each supervisor of elections shall
31 determine which persons required to file a statement of

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

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

20 112.3147 Forms.--

21 ~~(1)~~ All information required to be furnished by ss.
22 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149
23 and by s. 8, Art. II of the State Constitution shall be on
24 forms prescribed by the Commission on Ethics.

25 ~~(2)(a) With respect to reporting assets valued in~~
26 ~~excess of \$1,000 on forms prescribed pursuant to s. 112.3144~~
27 ~~which the reporting individual holds jointly with another~~
28 ~~person, the amount reported shall be based on the reporting~~
29 ~~individual's legal percentage of ownership in the property,~~
30 ~~except that assets held jointly with the reporting~~
31 ~~individual's spouse shall be reported at 100 percent of the~~

1 ~~value of the asset. For purposes of this subsection, a~~
2 ~~reporting individual is deemed to own an interest in a~~
3 ~~partnership which corresponds to the reporting individual's~~
4 ~~interest in the capital or equity of the partnership.~~

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

14 ~~2. A separate section of the form shall be created to~~
15 ~~provide for the reporting of the amounts of joint and several~~
16 ~~liability of the reporting individual not otherwise reported~~
17 ~~in paragraph (a).~~

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

21 112.3148 Reporting and prohibited receipt of gifts by
22 individuals filing full or limited public disclosure of
23 financial interests and by procurement employees.--

24 (6)

25 (d) No later than July 1 of each year, each reporting
26 individual or procurement employee shall file a statement
27 listing each gift having a value in excess of \$100 received by
28 the reporting individual or procurement employee, either
29 directly or indirectly, from a governmental entity or a
30 direct-support organization specifically authorized by law to
31 support a governmental entity. The statement shall list the

1 name of the person providing the gift, a description of the
2 gift, the date or dates on which the gift was given, and the
3 value of the total gifts given during the calendar year for
4 which the report is made. The reporting individual or
5 procurement employee shall attach to the ~~such~~ statement any
6 report received by him or her in accordance with paragraph
7 (c), which report shall become a public record when filed with
8 the statement of the reporting individual or procurement
9 employee. The reporting individual or procurement employee may
10 explain any differences between the report of the reporting
11 individual or procurement employee and the attached reports.
12 The annual report filed by a reporting individual shall be
13 filed with the financial disclosure statement required by
14 either s. 8, Art. II of the State Constitution or s. 112.3145,
15 as applicable to the reporting individual. The annual report
16 filed by a procurement employee shall be filed with the
17 Commission on Ethics. The report filed by a reporting
18 individual or procurement employee who left office or
19 employment during the calendar year covered by the report
20 shall be filed by July 1 of the year after leaving office or
21 employment at the same location as his or her final financial
22 disclosure statement or, in the case of a former procurement
23 employee, with the Commission on Ethics.

24 (8)(a) Each reporting individual or procurement
25 employee shall file a statement with the Commission on Ethics
26 not later than ~~on~~ the last day of each calendar quarter, for
27 the previous calendar quarter, containing a list of gifts
28 which he or she believes to be in excess of \$100 in value, if
29 any, accepted by him or her, for which compensation was not
30 provided by the donee to the donor within 90 days of receipt
31

1 of the gift to reduce the value to \$100 or less, except the
2 following:

- 3 1. Gifts from relatives.
- 4 2. Gifts prohibited by subsection (4) or s.
5 112.313(4).
- 6 3. Gifts otherwise required to be disclosed by this
7 section.

8 (b) The statement shall include:

- 9 1. A description of the gift, the monetary value of
10 the gift, the name and address of the person making the gift,
11 and the dates thereof. If any of these facts, other than the
12 gift description, are unknown or not applicable, the report
13 shall so state.

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

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

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

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

31

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

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

7 112.3149 Solicitation and disclosure of honoraria.--

8 (6) A reporting individual or procurement employee who
9 receives payment or provision of expenses related to any
10 honorarium event from a person who is prohibited by subsection
11 (4) from paying an honorarium to a reporting individual or
12 procurement employee shall publicly disclose on an annual
13 statement the name, address, and affiliation of the person
14 paying or providing the expenses; the amount of the honorarium
15 expenses; the date of the honorarium event; a description of
16 the expenses paid or provided on each day of the honorarium
17 event; and the total value of the expenses provided to the
18 reporting individual or procurement employee in connection
19 with the honorarium event. The annual statement of honorarium
20 expenses shall be filed by July 1 of each year for those ~~such~~
21 expenses received during the previous calendar year. The
22 reporting individual or procurement employee shall attach to
23 the annual statement a copy of each statement received by him
24 or her in accordance with subsection (5) regarding honorarium
25 expenses paid or provided during the calendar year for which
26 the annual statement is filed. The ~~Such~~ attached statement
27 shall become a public record upon the filing of the annual
28 report. The annual statement of a reporting individual shall
29 be filed with the financial disclosure statement required by
30 either s. 8, Art. II of the State Constitution or s. 112.3145,
31 as applicable to the reporting individual. The annual

1 statement of a procurement employee shall be filed with the
 2 Commission on Ethics. The statement filed by a reporting
 3 individual or procurement employee who left office or
 4 employment during the calendar year covered by the statement
 5 shall be filed by July 1 of the year after leaving office or
 6 employment at the same location as his or her final financial
 7 disclosure statement or, in the case of a former procurement
 8 employee, with the Commission on Ethics.

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

11 112.317 Penalties.--

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

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

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

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

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

- 6 1. Dismissal from employment.
- 7 2. Suspension from employment for not more than 90
 8 days without pay.
- 9 3. Demotion.
- 10 4. Reduction in salary level.
- 11 5. Forfeiture of no more than one-third salary per
 12 month for no more than 12 months.
- 13 6. A civil penalty not to exceed \$10,000.
- 14 7. Restitution of any pecuniary benefits received
 15 because of the violation committed. The commission may
 16 recommend that the restitution penalty be paid to the agency
 17 by which the public employee was employed, or of which the
 18 officer was deemed to be an employee, or to the General
 19 Revenue Fund.

- 20 8. Public censure and reprimand.

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

- 24 1. Disqualification from being on the ballot.
- 25 2. Public censure.
- 26 3. Reprimand.
- 27 4. A civil penalty not to exceed \$10,000.

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

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

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

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

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

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

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

23 Section 9. Section 112.3185, Florida Statutes, is
24 amended to read:

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

27 (1) For the purposes of this section:

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

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

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

3 (2) ~~An~~ ~~no~~ agency employee who participates through
4 decision, approval, disapproval, recommendation, preparation
5 of any part of a purchase request, influencing the content of
6 any specification or procurement standard, rendering of
7 advice, investigation, or auditing or in any other advisory
8 capacity in the procurement of contractual services may not
9 ~~shall~~ become or be, while an agency employee, the employee of
10 a person contracting with the agency by whom the employee is
11 employed.

12 (3) ~~An~~ ~~no~~ agency employee may not shall, after
13 retirement or termination, have or hold any employment or
14 contractual relationship with any business entity other than
15 an agency in connection with any contract in which the agency
16 employee participated personally and substantially through
17 decision, approval, disapproval, recommendation, rendering of
18 advice, or investigation while an officer or employee. When
19 the agency employee's position is eliminated and his or her
20 duties are performed by the business entity, this subsection
21 does not prohibit him or her from employment or contractual
22 relationship with the business entity if the employee's
23 participation in the contract was limited to recommendation,
24 rendering of advice, or investigation and if the agency head
25 determines that the best interests of the state will be served
26 thereby and provides prior written approval for the particular
27 employee.

28 (4) ~~An~~ ~~no~~ agency employee may not shall, within 2
29 years after retirement or termination, have or hold any
30 employment or contractual relationship with any business
31 entity other than an agency in connection with any contract

1 for contractual services which was within his or her
2 responsibility while an employee. If the agency employee's
3 position is eliminated and his or her duties are performed by
4 the business entity, this subsection may be waived by the
5 agency head through prior written approval for a particular
6 employee if the agency head determines that the best interests
7 of the state will be served thereby.

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

18 (6) ~~An~~ An agency employee acting in an official
19 capacity ~~may not shall~~ directly or indirectly procure
20 contractual services for his or her own agency from any
21 business entity of which a relative is an officer, partner,
22 director, or proprietor or in which ~~the~~ such officer or
23 employee or his or her spouse or child, or any combination of
24 them, has a material interest.

25 (7) A violation of any provision of this section is
26 punishable in accordance with s. 112.317.

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

30 Section 10. Subsection (1) of section 112.321, Florida
31 Statutes, is amended to read:

1 112.321 Membership, terms; travel expenses; staff.--
2 (1) The commission shall be composed of nine members.
3 Five of these members shall be appointed by the Governor, no
4 more than three of whom shall be from the same political
5 party, subject to confirmation by the Senate. One member
6 appointed by the Governor shall be a former city or county
7 official and may be a former member of a local planning or
8 zoning board which has only advisory duties. Two members
9 shall be appointed by the Speaker of the House of
10 Representatives, and two members shall be appointed by the
11 President of the Senate. Neither the Speaker of the House of
12 Representatives nor the President of the Senate shall appoint
13 more than one member from the same political party. Of the
14 nine members of the Commission, no more than five members
15 shall be from the same political party at any one time. No
16 member may hold any public employment. An individual who
17 qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215
18 or pursuant to any local government charter or ordinance may
19 not serve as a member of the commission, except that this
20 prohibition does not apply to an individual who is a member of
21 the commission on July 1, 2006, until the expiration of his or
22 her current term. A member of the commission may not lobby any
23 state or local governmental entity as provided in s. 11.045 or
24 s. 112.3215 or as provided by any local government charter or
25 ordinance, except that this prohibition does not apply to an
26 individual who is a member of the commission on July 1, 2006,
27 until the expiration of his or her current term. All members
28 shall serve 2-year terms. ~~A No~~ member ~~may not shall~~ serve more
29 than two full terms in succession. Any member of the
30 commission may be removed for cause by majority vote of the
31 Governor, the President of the Senate, the Speaker of the

1 House of Representatives, and the Chief Justice of the Supreme
2 Court.

3 Section 11. Effective upon this act becoming a law,
4 paragraph (d) of subsection (1) of section 11.045, Florida
5 Statutes, as amended by section 1 of chapter 2005-359, Laws of
6 Florida, is amended to read:

7 11.045 Lobbying before the Legislature; registration
8 and reporting; exemptions; penalties.--

9 (1) As used in this section, unless the context
10 otherwise requires:

11 (d) "Expenditure" means a payment, distribution, loan,
12 advance, reimbursement, deposit, or anything of value made by
13 a lobbyist or principal for the purpose of lobbying. The term
14 "expenditure" does not include contributions or expenditures
15 reported pursuant to chapter 106 or federal election law,
16 campaign-related personal services provided without
17 compensation by individuals volunteering their time, any other
18 contribution or expenditure made by or to a political party,
19 or any other contribution or expenditure made by an
20 organization that is exempt from taxation under 26 U.S.C. s.
21 527 or s. 501(c)(4). A contribution made to a political party
22 regulated under chapter 103 is not deemed an expenditure for
23 purposes of this section.

24 Section 12. Effective upon this act becoming a law,
25 paragraph (d) of subsection (1) of section 112.3215, Florida
26 Statutes, as amended by section 5 of chapter 2005-359, Laws of
27 Florida, and section 1 of chapter 2005-361, Laws of Florida,
28 is amended to read:

29 112.3215 Lobbying before the executive branch or the
30 Constitution Revision Commission; registration and reporting;
31 investigation by commission.--

1 (1) For the purposes of this section:

2 (d) "Expenditure" means a payment, distribution, loan,
 3 advance, reimbursement, deposit, or anything of value made by
 4 a lobbyist or principal for the purpose of lobbying. The term
 5 "expenditure" does not include contributions or expenditures
 6 reported pursuant to chapter 106 or federal election law,
 7 campaign-related personal services provided without
 8 compensation by individuals volunteering their time, any other
 9 contribution or expenditure made by or to a political party,
 10 or any other contribution or expenditure made by an
 11 organization that is exempt from taxation under 26 U.S.C. s.
 12 527 or s. 501(c)(4). A contribution made to a political party
 13 ~~regulated under chapter 103 is not deemed an expenditure for~~
 14 ~~purposes of this section.~~

15 Section 13. Paragraph (e) of subsection (5) of section
 16 112.3215, Florida Statutes, as amended by section 5 of chapter
 17 2005-359, Laws of Florida, and section 1 of chapter 2005-361,
 18 Laws of Florida, is amended to read:

19 112.3215 Lobbying before the executive branch or the
 20 Constitution Revision Commission; registration and reporting;
 21 investigation by commission.--

22 (5)

23 (e) The commission shall provide by rule the grounds
 24 for waiving a fine, the procedures ~~a procedure~~ by which a
 25 lobbying firm that fails to timely file a report shall be
 26 notified and assessed fines, and the procedure for appealing
 27 the fines. The rule shall provide for the following:

28 1. Upon determining that the report is late, the
 29 person designated to review the timeliness of reports shall
 30 immediately notify the lobbying firm as to the failure to
 31 timely file the report and that a fine is being assessed for

1 each late day. The fine shall be \$50 per day per report for
2 each late day up to a maximum of \$5,000 per late report.

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

6 a. When a report is actually received by the lobbyist
7 registration and reporting office.

8 b. When the report is postmarked.

9 c. When the certificate of mailing is dated.

10 d. When the receipt from an established courier
11 company is dated.

12 3. Such fine shall be paid within 30 days after the
13 notice of payment due is transmitted by the Lobbyist
14 Registration Office, unless appeal is made to the commission.
15 The moneys shall be deposited into the Executive Branch Lobby
16 Registration Trust Fund.

17 4. A fine shall not be assessed against a lobbying
18 firm the first time any reports for which the lobbying firm is
19 responsible are not timely filed. However, to receive the
20 one-time fine waiver, all reports for which the lobbying firm
21 is responsible must be filed within 30 days after the notice
22 that any reports have not been timely filed is transmitted by
23 the Lobbyist Registration Office. A fine shall be assessed for
24 any subsequent late-filed reports.

25 5. Any lobbying firm may appeal or dispute a fine,
26 based upon unusual circumstances surrounding the failure to
27 file on the designated due date, and may request and shall be
28 entitled to a hearing before the commission, which shall have
29 the authority to waive the fine in whole or in part for good
30 cause shown. Any such request shall be made within 30 days
31 after the notice of payment due is transmitted by the Lobbyist

1 Registration Office. In such case, the lobbying firm shall,
2 within the 30-day period, notify the person designated to
3 review the timeliness of reports in writing of his or her
4 intention to bring the matter before the commission.

5 6. The person designated to review the timeliness of
6 reports shall notify the commission of the failure of a
7 lobbying firm to file a report after notice or of the failure
8 of a lobbying firm to pay the fine imposed. All lobbyist
9 registrations for lobbyists who are partners, owners,
10 officers, or employees of a lobbying firm that fails to timely
11 pay a fine are automatically suspended until the fine is paid
12 or waived, and the commission shall promptly notify all
13 affected principals of each suspension and each reinstatement.

14 7. Notwithstanding any provision of chapter 120, any
15 fine imposed under this subsection that is not waived by final
16 order of the commission and that remains unpaid more than 60
17 days after the notice of payment due or more than 60 days
18 after the commission renders a final order on the lobbying
19 firm's appeal shall be collected by the Department of
20 Financial Services as a claim, debt, or other obligation owed
21 to the state, and the department may assign the collection of
22 such fine to a collection agent as provided in s. 17.20.

23 Section 14. Effective April 1, 2007, paragraph (d) of
24 subsection (5) of section 112.3215, Florida Statutes, as
25 amended by this act, section 6 of chapter 2005-359, Laws of
26 Florida, and section 1 of chapter 2005-361, Laws of Florida,
27 is amended to read:

28 112.3215 Lobbying before the executive branch or the
29 Constitution Revision Commission; registration and reporting;
30 investigation by commission.--

31 (5)

1 (d) The commission shall provide by rule the grounds
2 for waiving a fine, the procedures ~~a procedure~~ by which a
3 lobbying firm that fails to timely file a report shall be
4 notified and assessed fines, and the procedure for appealing
5 the fines. The rule shall provide for the following:

6 1. Upon determining that the report is late, the
7 person designated to review the timeliness of reports shall
8 immediately notify the lobbying firm as to the failure to
9 timely file the report and that a fine is being assessed for
10 each late day. The fine shall be \$50 per day per report for
11 each late day up to a maximum of \$5,000 per late report.

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

15 a. When a report is actually received by the lobbyist
16 registration and reporting office.

17 b. When the electronic receipt issued pursuant to s.
18 112.32155 is dated.

19 3. Such fine shall be paid within 30 days after the
20 notice of payment due is transmitted by the Lobbyist
21 Registration Office, unless appeal is made to the commission.
22 The moneys shall be deposited into the Executive Branch Lobby
23 Registration Trust Fund.

24 4. A fine shall not be assessed against a lobbying
25 firm the first time any reports for which the lobbying firm is
26 responsible are not timely filed. However, to receive the
27 one-time fine waiver, all reports for which the lobbying firm
28 is responsible must be filed within 30 days after the notice
29 that any reports have not been timely filed is transmitted by
30 the Lobbyist Registration Office. A fine shall be assessed for
31 any subsequent late-filed reports.

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

12 6. The person designated to review the timeliness of
13 reports shall notify the commission of the failure of a
14 lobbying firm to file a report after notice or of the failure
15 of a lobbying firm to pay the fine imposed. All lobbyist
16 registrations for lobbyists who are partners, owners,
17 officers, or employees of a lobbying firm that fails to timely
18 pay a fine are automatically suspended until the fine is paid
19 or waived, and the commission shall promptly notify all
20 affected principals of each suspension and each reinstatement.

21 7. Notwithstanding any provision of chapter 120, any
22 fine imposed under this subsection that is not waived by final
23 order of the commission and that remains unpaid more than 60
24 days after the notice of payment due or more than 60 days
25 after the commission renders a final order on the lobbying
26 firm's appeal shall be collected by the Department of
27 Financial Services as a claim, debt, or other obligation owed
28 to the state, and the department may assign the collection of
29 such fine to a collection agent as provided in s. 17.20.

30 Section 15. Subsection (4) of section 112.322, Florida
31 Statutes, is amended to read:

1 112.322 Duties and powers of commission.--
2 (4) The commission has the power to subpoena, audit,
3 and investigate. The commission may subpoena witnesses and
4 compel their attendance and testimony, administer oaths and
5 affirmations, take evidence, and require by subpoena the
6 production of any books, papers, records, or other items
7 relevant to the performance of the duties of the commission or
8 to the exercise of its powers. The commission may delegate to
9 its investigators the authority to administer oaths and
10 affirmations. The commission may delegate the authority to
11 issue subpoenas to its chair, and may authorize its employees
12 to serve any subpoena issued under this section. In the case
13 of a refusal to obey a subpoena issued to any person, the
14 commission may make application to any circuit court of this
15 state which shall have jurisdiction to order the witness to
16 appear before the commission and to produce evidence, if so
17 ordered, or to give testimony touching on the matter in
18 question. Failure to obey the order may be punished by the
19 court as contempt. Witnesses shall be paid mileage and
20 witnesses fees as authorized for witnesses in civil cases,
21 except that a witness who is required to travel outside the
22 county of his or her residence to testify is entitled to per
23 diem and travel expenses at the same rate provided for state
24 employees under s. 112.061, to be paid after the witness
25 appears.

26 Section 16. Subsections (3) and (4) of section 914.21,
27 Florida Statutes, are amended to read:

28 914.21 Definitions.--As used in ss. 914.22-914.24, the
29 term:

30 (3) "Official investigation" means any investigation
31 instituted by a law enforcement agency or prosecuting officer

1 of the state or a political subdivision of the state or the
2 Commission on Ethics.

3 (4) "Official proceeding" means:

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

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

7 (c) A proceeding before a federal agency that ~~which~~ is
8 authorized by law; ~~or-~~

9 (d) A proceeding before the Commission on Ethics.

10 Section 17. Except as otherwise expressly provided in
11 this act and except for this section, which shall take effect
12 upon becoming a law, this act shall take effect October 1,
13 2006.