

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to ethics for public officers and
7 employees; amending s. 104.31, F.S.; prohibiting employees
8 of the state and its political subdivisions from
9 participating in a political campaign, for which there are
10 penalties; amending s. 112.313, F.S.; prohibiting certain
11 disclosures by a former public officer, agency employee,
12 or local government attorney, for which there are
13 penalties; redefining the term "employee" to include
14 certain other-personal-services employees for certain
15 postemployment activities; exempting certain agency
16 employees from applicability of postemployment
17 restrictions; providing an exemption from provisions
18 prohibiting conflicts in employment to a person who, after
19 serving on an advisory board, files a statement with the
20 Commission on Ethics relating to a bid or submission;
21 providing definitions; amending s. 112.3144, F.S.;
22 specifying how assets valued in excess of a specified
23 amount are to be reported by a reporting individual;

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24 | amending s. 112.3145, F.S.; requiring that a delinquency
25 | notice be sent to certain officeholders by certified mail,
26 | return receipt requested; amending s. 112.3147, F.S.;
27 | deleting provisions relating to the reporting of assets
28 | valued in excess of a specified amount, to conform;
29 | amending s. 112.3148, F.S.; providing requirements for
30 | persons who have left office or employment as to filing a
31 | report relating to gifts; providing requirements relating
32 | to the deadline for and timeliness of gift reports;
33 | amending s. 112.3149, F.S.; requiring that a report of
34 | honoraria by a person who left office or employment be
35 | filed by a specified date; amending s. 112.317, F.S.;
36 | authorizing the commission to recommend a restitution
37 | penalty be paid to the agency of which the public officer
38 | was a member or by which the public employee was employed
39 | or to the General Revenue Fund; authorizing the Attorney
40 | General to recover costs for filing suit to collect
41 | penalties and fines; deleting provisions imposing a
42 | penalty for the disclosure of information concerning a
43 | complaint or an investigation; amending s. 112.3185, F.S.;
44 | providing additional standards for state agency employees
45 | relating to procurement of goods and services by a state
46 | agency; authorizing an employee whose position was
47 | eliminated to engage in certain contractual activities;
48 | amending s. 112.321, F.S.; prohibiting an individual who
49 | qualifies as a lobbyist from serving on the commission;
50 | prohibiting a member of the commission from lobbying any
51 | state or local governmental entity; providing exceptions

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 for certain individuals who are members of the commission;
53 amending s. 112.3215, F.S.; requiring the commission to
54 adopt a rule detailing the grounds for waiving a fine and
55 the procedures to be followed when a lobbyist fails to
56 timely file his or her report; requiring automatic
57 suspension of certain lobbyist registrations if the fine
58 is not timely paid; requiring the commission to provide
59 written notice to any lobbyist whose registration is
60 automatically suspended; amending s. 112.322, F.S.;
61 authorizing travel and per diem expenses for certain
62 witnesses; amending s. 914.21, F.S.; redefining the terms
63 "official investigation" and "official proceeding," for
64 purposes of provisions relating to tampering with
65 witnesses, to include an investigation by the commission;
66 providing effective dates.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Present subsections (2) and (3) of section
71 104.31, Florida Statutes, are renumbered as subsections (3) and
72 (4), respectively, and a new subsection (2) is added to that
73 section to read:

74 104.31 Political activities of state, county, and
75 municipal officers and employees.--

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

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79 | Section 2. Subsection (8), paragraph (a) of subsection
80 | (9), paragraph (b) of subsection (12), and subsection (14) of
81 | section 112.313, Florida Statutes, are amended to read:

82 | 112.313 Standards of conduct for public officers,
83 | employees of agencies, and local government attorneys.--

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

92 | (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
93 | LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

94 | (a)1. It is the intent of the Legislature to implement by
95 | statute the provisions of s. 8(e), Art. II of the State
96 | Constitution relating to legislators, statewide elected
97 | officers, appointed state officers, and designated public
98 | employees.

99 | 2. As used in this paragraph:

100 | a. "Employee" means:

101 | (I) Any person employed in the executive or legislative
102 | branch of government holding a position in the Senior Management
103 | Service as defined in s. 110.402 or any person holding a
104 | position in the Selected Exempt Service as defined in s. 110.602
105 | or any person having authority over policy or procurement
106 | employed by the Department of the Lottery.

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107 (II) The Auditor General, the director of the Office of
108 Program Policy Analysis and Government Accountability, the
109 Sergeant at Arms and Secretary of the Senate, and the Sergeant
110 at Arms and Clerk of the House of Representatives.

111 (III) The executive director of the Legislative Committee
112 on Intergovernmental Relations and the executive director and
113 deputy executive director of the Commission on Ethics.

114 (IV) An executive director, staff director, or deputy
115 staff director of each joint committee, standing committee, or
116 select committee of the Legislature; an executive director,
117 staff director, executive assistant, analyst, or attorney of the
118 Office of the President of the Senate, the Office of the Speaker
119 of the House of Representatives, the Senate Majority Party
120 Office, Senate Minority Party Office, House Majority Party
121 Office, or House Minority Party Office; or any person, hired on
122 a contractual basis, having the power normally conferred upon
123 such persons, by whatever title.

124 (V) The Chancellor and Vice Chancellors of the State
125 University System; the general counsel to the Board of Regents;
126 and the president, vice presidents, and deans of each state
127 university.

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

131 b. "Appointed state officer" means any member of an
132 appointive board, commission, committee, council, or authority
133 of the executive or legislative branch of state government whose
134 powers, jurisdiction, and authority are not solely advisory and

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135 include the final determination or adjudication of any personal
136 or property rights, duties, or obligations, other than those
137 relative to its internal operations.

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

141 3. No member of the Legislature, appointed state officer,
142 or statewide elected officer shall personally represent another
143 person or entity for compensation before the government body or
144 agency of which the individual was an officer or member for a
145 period of 2 years following vacation of office. No member of the
146 Legislature shall personally represent another person or entity
147 for compensation during his or her term of office before any
148 state agency other than judicial tribunals or in settlement
149 negotiations after the filing of a lawsuit.

150 4. No agency employee shall personally represent another
151 person or entity for compensation before the agency with which
152 he or she was employed for a period of 2 years following
153 vacation of position, unless employed by another agency of state
154 government.

155 5. Any person violating this paragraph shall be subject to
156 the penalties provided in s. 112.317 and a civil penalty of an
157 amount equal to the compensation which the person receives for
158 the prohibited conduct.

159 6. This paragraph is not applicable to:

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

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

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

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

171 e. Any appointed state officer whose term of office began
172 before January 1, 1995, unless reappointed to that office on or
173 after January 1, 1995.

174 7. This paragraph does not apply to an agency employee who
175 was employed on July 1, 2001, in a Career Service System
176 position that was transferred to the Selected Exempt Service
177 System under chapter 2001-43, Laws of Florida.

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

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189 shall be held in violation of subsection (3) or subsection (7)
190 if:

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

193 1. The official or the official's spouse or child has in
194 no way participated in the determination of the bid
195 specifications or the determination of the lowest or best
196 bidder;

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

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

209 (14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.--A
210 person who has been elected to any county, municipal, special
211 district, or school district office may not personally represent
212 another person or entity for compensation before the government
213 ~~governing~~ body or agency of which the person was an officer for
214 a period of 2 years after vacating that office. For purposes of
215 this subsection:

216 (a) The "government body or agency" of a member of a board
217 of county commissioners consists of the commission, the chief
218 administrative officer or employee of the county, and their
219 immediate support staff.

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

223 (c) The "government body or agency" of an elected
224 municipal officer consists of the governing body of the
225 municipality, the chief administrative officer or employee of
226 the municipality, and their immediate support staff.

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

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

231 Section 3. Present subsections (4), (5), and (6) of
232 section 112.3144, Florida Statutes, are renumbered as
233 subsections (5), (6), and (7), respectively, paragraph (g) of
234 present subsection (4) is amended, and a new subsection (4) is
235 added to that section, to read:

236 112.3144 Full and public disclosure of financial
237 interests.--

238 (4) (a) With respect to reporting, on forms prescribed
239 under this section, assets valued in excess of \$1,000 that the
240 reporting individual holds jointly with another person, the
241 amount reported shall be based on the reporting individual's
242 legal percentage of ownership in the property. However, assets
243 that are held jointly with right of survivorship must be

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244 reported at 100 percent of the value of the asset. For purposes
245 of this subsection, a reporting individual is deemed to own a
246 percentage of a partnership that is equal to the reporting
247 individual's interest in the capital or equity of the
248 partnership.

249 (b)1. With respect to reporting, on forms prescribed under
250 this section, liabilities valued in excess of \$1,000 for which
251 the reporting individual is jointly and severally liable, the
252 amount reported shall be based on the reporting individual's
253 percentage of liability rather than the total amount of the
254 liability. However, liability for a debt that is secured by
255 property owned by the reporting individual but that is held
256 jointly with right of survivorship must be reported at 100
257 percent of the total amount owed.

258 2. A separate section of the form shall be created to
259 provide for the reporting of the amounts of joint and several
260 liability of the reporting individual not otherwise reported in
261 subparagraph 1.

262 (5)-(4) Forms for compliance with the full and public
263 disclosure requirements of s. 8, Art. II of the State
264 Constitution shall be created by the Commission on Ethics. The
265 commission shall give notice of disclosure deadlines and
266 delinquencies and distribute forms in the following manner:

267 (g) The notification requirements and fines of this
268 subsection do not apply to candidates or to the first filing
269 required of any person appointed to elective constitutional
270 office or other position required to file full and public
271 disclosure, unless the person's name is on the commission's

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272 notification list and the person received notification from the
273 commission. The appointing official shall notify such newly
274 appointed person of the obligation to file full and public
275 disclosure by July 1. The notification requirements and fines of
276 this subsection do not apply to the final filing provided for in
277 subsection (6)~~(5)~~.

278 Section 4. Paragraph (c) of subsection (6) of section
279 112.3145, Florida Statutes, is amended to read:

280 112.3145 Disclosure of financial interests and clients
281 represented before agencies.--

282 (6) Forms for compliance with the disclosure requirements
283 of this section and a current list of persons subject to
284 disclosure shall be created by the commission and provided to
285 each supervisor of elections. The commission and each supervisor
286 of elections shall give notice of disclosure deadlines and
287 delinquencies and distribute forms in the following manner:

288 (c) Not later than 30 days after July 1 of each year, the
289 commission and each supervisor of elections shall determine
290 which persons required to file a statement of financial
291 interests in their respective offices have failed to do so and
292 shall send delinquency notices by certified mail, return receipt
293 requested, to these ~~such~~ persons. Each notice shall state that a
294 grace period is in effect until September 1 of the current year;
295 that no investigative or disciplinary action based upon the
296 delinquency will be taken by the agency head or commission if
297 the statement is filed by September 1 of the current year; that,
298 if the statement is not filed by September 1 of the current
299 year, a fine of \$25 for each day late will be imposed, up to a

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300 maximum penalty of \$1,500; for notices sent by a supervisor of
301 elections, that he or she is required by law to notify the
302 commission of the delinquency; and that, if upon the filing of a
303 sworn complaint the commission finds that the person has failed
304 to timely file the statement within 60 days after September 1 of
305 the current year, such person will also be subject to the
306 penalties provided in s. 112.317.

307 Section 5. Section 112.3147, Florida Statutes, is amended
308 to read:

309 112.3147 Forms.--

310 ~~(1)~~ All information required to be furnished by ss.
311 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149
312 and by s. 8, Art. II of the State Constitution shall be on forms
313 prescribed by the Commission on Ethics.

314 ~~(2)(a) With respect to reporting assets valued in excess~~
315 ~~of \$1,000 on forms prescribed pursuant to s. 112.3144 which the~~
316 ~~reporting individual holds jointly with another person, the~~
317 ~~amount reported shall be based on the reporting individual's~~
318 ~~legal percentage of ownership in the property, except that~~
319 ~~assets held jointly with the reporting individual's spouse shall~~
320 ~~be reported at 100 percent of the value of the asset. For~~
321 ~~purposes of this subsection, a reporting individual is deemed to~~
322 ~~own an interest in a partnership which corresponds to the~~
323 ~~reporting individual's interest in the capital or equity of the~~
324 ~~partnership.~~

325 ~~(b)1. With respect to reporting liabilities valued in~~
326 ~~excess of \$1,000 on forms prescribed pursuant to s. 112.3144 for~~
327 ~~which the reporting individual is jointly and severally liable,~~

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328 ~~the amount reported shall be based upon the reporting~~
329 ~~individual's percentage of liability rather than the total~~
330 ~~amount of the liability, except, a joint and several liability~~
331 ~~with the reporting individual's spouse for a debt which relates~~
332 ~~to property owned by both as tenants by the entirety shall be~~
333 ~~reported at 100 percent of the total amount owed.~~

334 ~~2. A separate section of the form shall be created to~~
335 ~~provide for the reporting of the amounts of joint and several~~
336 ~~liability of the reporting individual not otherwise reported in~~
337 ~~paragraph (a).~~

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

340 112.3148 Reporting and prohibited receipt of gifts by
341 individuals filing full or limited public disclosure of
342 financial interests and by procurement employees.--

343 (6)

344 (d) No later than July 1 of each year, each reporting
345 individual or procurement employee shall file a statement
346 listing each gift having a value in excess of \$100 received by
347 the reporting individual or procurement employee, either
348 directly or indirectly, from a governmental entity or a direct-
349 support organization specifically authorized by law to support a
350 governmental entity. The statement shall list the name of the
351 person providing the gift, a description of the gift, the date
352 or dates on which the gift was given, and the value of the total
353 gifts given during the calendar year for which the report is
354 made. The reporting individual or procurement employee shall
355 attach to the ~~such~~ statement any report received by him or her

356 | in accordance with paragraph (c), which report shall become a
357 | public record when filed with the statement of the reporting
358 | individual or procurement employee. The reporting individual or
359 | procurement employee may explain any differences between the
360 | report of the reporting individual or procurement employee and
361 | the attached reports. The annual report filed by a reporting
362 | individual shall be filed with the financial disclosure
363 | statement required by either s. 8, Art. II of the State
364 | Constitution or s. 112.3145, as applicable to the reporting
365 | individual. The annual report filed by a procurement employee
366 | shall be filed with the Commission on Ethics. The report filed
367 | by a reporting individual or procurement employee who left
368 | office or employment during the calendar year covered by the
369 | report shall be filed by July 1 of the year after leaving office
370 | or employment at the same location as his or her final financial
371 | disclosure statement or, in the case of a former procurement
372 | employee, with the Commission on Ethics.

373 | (8) (a) Each reporting individual or procurement employee
374 | shall file a statement with the Commission on Ethics not later
375 | than ~~on~~ the last day of each calendar quarter, for the previous
376 | calendar quarter, containing a list of gifts which he or she
377 | believes to be in excess of \$100 in value, if any, accepted by
378 | him or her, for which compensation was not provided by the donee
379 | to the donor within 90 days of receipt of the gift to reduce the
380 | value to \$100 or less, except the following:

- 381 | 1. Gifts from relatives.
- 382 | 2. Gifts prohibited by subsection (4) or s. 112.313(4).

383 3. Gifts otherwise required to be disclosed by this
384 section.

385 (b) The statement shall include:

386 1. A description of the gift, the monetary value of the
387 gift, the name and address of the person making the gift, and
388 the dates thereof. If any of these facts, other than the gift
389 description, are unknown or not applicable, the report shall so
390 state.

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

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

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

399 (e) Statements must be filed not later than 5 p.m. on the
400 due date. However, any statement that is postmarked by the
401 United States Postal Service by midnight on the due date is
402 deemed to have been filed in a timely manner, and a certificate
403 of mailing obtained from and dated by the United States Postal
404 Service at the time of the mailing, or a receipt from an
405 established courier company that bears a date on or before the
406 due date, constitutes proof of mailing in a timely manner.

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

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411 Section 7. Subsection (6) of section 112.3149, Florida
412 Statutes, is amended to read:
413 112.3149 Solicitation and disclosure of honoraria.--
414 (6) A reporting individual or procurement employee who
415 receives payment or provision of expenses related to any
416 honorarium event from a person who is prohibited by subsection
417 (4) from paying an honorarium to a reporting individual or
418 procurement employee shall publicly disclose on an annual
419 statement the name, address, and affiliation of the person
420 paying or providing the expenses; the amount of the honorarium
421 expenses; the date of the honorarium event; a description of the
422 expenses paid or provided on each day of the honorarium event;
423 and the total value of the expenses provided to the reporting
424 individual or procurement employee in connection with the
425 honorarium event. The annual statement of honorarium expenses
426 shall be filed by July 1 of each year for those ~~such~~ expenses
427 received during the previous calendar year. The reporting
428 individual or procurement employee shall attach to the annual
429 statement a copy of each statement received by him or her in
430 accordance with subsection (5) regarding honorarium expenses
431 paid or provided during the calendar year for which the annual
432 statement is filed. The ~~Such~~ attached statement shall become a
433 public record upon the filing of the annual report. The annual
434 statement of a reporting individual shall be filed with the
435 financial disclosure statement required by either s. 8, Art. II
436 of the State Constitution or s. 112.3145, as applicable to the
437 reporting individual. The annual statement of a procurement
438 employee shall be filed with the Commission on Ethics. The

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439 statement filed by a reporting individual or procurement
 440 employee who left office or employment during the calendar year
 441 covered by the statement shall be filed by July 1 of the year
 442 after leaving office or employment at the same location as his
 443 or her final financial disclosure statement or, in the case of a
 444 former procurement employee, with the Commission on Ethics.

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

447 112.317 Penalties.--

448 (1) Violation of any provision of this part, including,
 449 but not limited to, any failure to file any disclosures required
 450 by this part or violation of any standard of conduct imposed by
 451 this part, or violation of any provision of s. 8, Art. II of the
 452 State Constitution, in addition to any criminal penalty or other
 453 civil penalty involved, shall, under ~~pursuant to~~ applicable
 454 constitutional and statutory procedures, constitute grounds for,
 455 and may be punished by, one or more of the following:

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

- 457 1. Impeachment.
- 458 2. Removal from office.
- 459 3. Suspension from office.
- 460 4. Public censure and reprimand.
- 461 5. Forfeiture of no more than one-third salary per month
- 462 for no more than 12 months.
- 463 6. A civil penalty not to exceed \$10,000.
- 464 7. Restitution of any pecuniary benefits received because
- 465 of the violation committed. The commission may recommend that

466 | the restitution penalty be paid to the agency of which the
 467 | public officer was a member or to the General Revenue Fund.

468 | (b) In the case of an employee or a person designated as a
 469 | public officer by this part who otherwise would be deemed to be
 470 | an employee:

- 471 | 1. Dismissal from employment.
- 472 | 2. Suspension from employment for not more than 90 days
 473 | without pay.
- 474 | 3. Demotion.
- 475 | 4. Reduction in salary level.
- 476 | 5. Forfeiture of no more than one-third salary per month
 477 | for no more than 12 months.

- 478 | 6. A civil penalty not to exceed \$10,000.
- 479 | 7. Restitution of any pecuniary benefits received because
 480 | of the violation committed. The commission may recommend that
 481 | the restitution penalty be paid to the agency by which the
 482 | public employee was employed, or of which the officer was deemed
 483 | to be an employee, or to the General Revenue Fund.

484 | 8. Public censure and reprimand.

485 | (c) In the case of a candidate who violates the provisions
 486 | of this part or s. 8(a) and (i), Art. II of the State
 487 | Constitution:

- 488 | 1. Disqualification from being on the ballot.
- 489 | 2. Public censure.
- 490 | 3. Reprimand.
- 491 | 4. A civil penalty not to exceed \$10,000.

492 | (d) In the case of a former public officer or employee who
 493 | has violated a provision applicable to former officers or

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494 employees or whose violation occurred before the ~~prior to such~~
 495 officer's or employee's leaving public office or employment:

- 496 1. Public censure and reprimand.
- 497 2. A civil penalty not to exceed \$10,000.
- 498 3. Restitution of any pecuniary benefits received because
- 499 of the violation committed. The commission may recommend that
- 500 the restitution penalty be paid to the agency by which the
- 501 public employee was employed, or of which the officer was deemed
- 502 to be an employee, or to the General Revenue Fund.

503 (2) In any case in which the commission finds a violation
 504 of this part or of s. 8, Art. II of the State Constitution and
 505 the proper disciplinary official or body under s. 112.324
 506 imposes ~~recommends~~ a civil penalty or restitution penalty, the
 507 Attorney General shall bring a civil action to recover such
 508 penalty. No defense may be raised in the civil action to enforce
 509 the civil penalty or order of restitution that could have been
 510 raised by judicial review of the administrative findings and
 511 recommendations of the commission by certiorari to the district
 512 court of appeal. The Attorney General shall collect any costs,
 513 attorney's fees, expert witness fees, or other costs of
 514 collection incurred in bringing the action.

515 ~~(6) Any person who willfully discloses, or permits to be~~
 516 ~~disclosed, his or her intention to file a complaint, the~~
 517 ~~existence or contents of a complaint which has been filed with~~
 518 ~~the commission, or any document, action, or proceeding in~~
 519 ~~connection with a confidential preliminary investigation of the~~
 520 ~~commission, before such complaint, document, action, or~~
 521 ~~proceeding becomes a public record as provided herein commits a~~

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522 ~~misdemeanor of the first degree, punishable as provided in s.~~
523 ~~775.082 or s. 775.083.~~

524 (6)~~(7)~~ In any case in which the commission finds probable
525 cause to believe that a complainant has committed perjury in
526 regard to any document filed with, or any testimony given
527 before, the commission, it shall refer such evidence to the
528 appropriate law enforcement agency for prosecution and taxation
529 of costs.

530 (7)~~(8)~~ In any case in which the commission determines that
531 a person has filed a complaint against a public officer or
532 employee with a malicious intent to injure the reputation of
533 such officer or employee by filing the complaint with knowledge
534 that the complaint contains one or more false allegations or
535 with reckless disregard for whether the complaint contains false
536 allegations of fact material to a violation of this part, the
537 complainant shall be liable for costs plus reasonable attorney's
538 fees incurred in the defense of the person complained against,
539 including the costs and reasonable attorney's fees incurred in
540 proving entitlement to and the amount of costs and fees. If the
541 complainant fails to pay such costs and fees voluntarily within
542 30 days following such finding by the commission, the commission
543 shall forward such information to the Department of Legal
544 Affairs, which shall bring a civil action in a court of
545 competent jurisdiction to recover the amount of such costs and
546 fees awarded by the commission.

547 Section 9. Section 112.3185, Florida Statutes, is amended
548 to read:

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549 | 112.3185 Additional standards for state agency employees
550 | ~~Contractual services.~~--

551 | (1) For the purposes of this section:

552 | (a) "Contractual services" shall be defined as set forth
553 | in chapter 287.

554 | (b) "Agency" means any state officer, department, board,
555 | commission, or council of the executive or judicial branch of
556 | state government and includes the Public Service Commission.

557 | (2) No agency employee who participates through decision,
558 | approval, disapproval, recommendation, preparation of any part
559 | of a purchase request, influencing the content of any
560 | specification or procurement standard, rendering of advice,
561 | investigation, or auditing or in any other advisory capacity in
562 | the procurement of contractual services shall become or be,
563 | while an agency employee, the employee of a person contracting
564 | with the agency by whom the employee is employed.

565 | (3) No agency employee shall, after retirement or
566 | termination, have or hold any employment or contractual
567 | relationship with any business entity other than an agency in
568 | connection with any contract in which the agency employee
569 | participated personally and substantially through decision,
570 | approval, disapproval, recommendation, rendering of advice, or
571 | investigation while an officer or employee. When the agency
572 | employee's position is eliminated and his or her duties are
573 | performed by the business entity, this subsection does not
574 | prohibit his or her employment or contractual relationship with
575 | the business entity if the employee's participation in the
576 | contract was limited to recommendation, rendering of advice, or

577 | investigation and if the agency head determines that the best
578 | interests of the state will be served thereby and provides prior
579 | written approval for the particular employee.

580 | (4) No agency employee shall, within 2 years after
581 | retirement or termination, have or hold any employment or
582 | contractual relationship with any business entity other than an
583 | agency in connection with any contract for contractual services
584 | which was within his or her responsibility while an employee. If
585 | the agency employee's position is eliminated and his or her
586 | duties are performed by the business entity, the provisions of
587 | this subsection may be waived by the agency head through prior
588 | written approval for a particular employee if the agency head
589 | determines that the best interests of the state will be served
590 | thereby.

591 | (5) The sum of money paid to a former agency employee
592 | during the first year after the cessation of his or her
593 | responsibilities, by the agency with whom he or she was
594 | employed, for contractual services provided to the agency, shall
595 | not exceed the annual salary received on the date of cessation
596 | of his or her responsibilities. ~~The provisions of This~~
597 | subsection may be waived by the agency head for a particular
598 | contract if the agency head determines that such waiver will
599 | result in significant time or cost savings for the state.

600 | (6) No agency employee acting in an official capacity
601 | shall directly or indirectly procure contractual services for
602 | his or her own agency from any business entity of which a
603 | relative is an officer, partner, director, or proprietor or in

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604 | which ~~the such~~ officer or employee or his or her spouse or
605 | child, or any combination of them, has a material interest.

606 | (7) A violation of any provision of this section is
607 | punishable in accordance with s. 112.317.

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

611 | Section 10. Subsection (1) of section 112.321, Florida
612 | Statutes, is amended to read:

613 | 112.321 Membership, terms; travel expenses; staff.--

614 | (1) The commission shall be composed of nine members. Five
615 | of these members shall be appointed by the Governor, no more
616 | than three of whom shall be from the same political party,
617 | subject to confirmation by the Senate. One member appointed by
618 | the Governor shall be a former city or county official and may
619 | be a former member of a local planning or zoning board which has
620 | only advisory duties. Two members shall be appointed by the
621 | Speaker of the House of Representatives, and two members shall
622 | be appointed by the President of the Senate. Neither the Speaker
623 | of the House of Representatives nor the President of the Senate
624 | shall appoint more than one member from the same political
625 | party. Of the nine members of the commission, no more than five
626 | members shall be from the same political party at any one time.
627 | No member may hold any public employment. An individual who
628 | qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or
629 | pursuant to any local government charter or ordinance may not
630 | serve as a member of the commission, except that this
631 | prohibition does not apply to an individual who is a member of

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632 the commission on July 1, 2006, until the expiration of his or
633 her current term. A member of the commission may not lobby any
634 state or local governmental entity as provided in s. 11.045 or
635 s. 112.3215 or as provided by any local government charter or
636 ordinance, except that this prohibition does not apply to an
637 individual who is a member of the commission on July 1, 2006,
638 until the expiration of his or her current term. All members
639 shall serve 2-year terms. No member shall serve more than two
640 full terms in succession. Any member of the commission may be
641 removed for cause by majority vote of the Governor, the
642 President of the Senate, the Speaker of the House of
643 Representatives, and the Chief Justice of the Supreme Court.

644 Section 11. Paragraph (e) of subsection (5) of section
645 112.3215, Florida Statutes, as amended by chapter 2005-359, Laws
646 of Florida, is amended to read:

647 112.3215 Lobbying before the executive branch or the
648 Constitution Revision Commission; registration and reporting;
649 investigation by commission.--

650 (5)

651 (e) The commission shall provide by rule the grounds for
652 waiving a fine, the procedures a procedure by which a lobbying
653 firm that fails to timely file a report shall be notified and
654 assessed fines, and the procedure for appealing the fines. The
655 rule shall provide for the following:

656 1. Upon determining that the report is late, the person
657 designated to review the timeliness of reports shall immediately
658 notify the lobbying firm as to the failure to timely file the
659 report and that a fine is being assessed for each late day. The

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

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

665 a. When a report is actually received by the lobbyist
666 registration and reporting office.

667 b. When the report is postmarked.

668 c. When the certificate of mailing is dated.

669 d. When the receipt from an established courier company is
670 dated.

671 3. Such fine shall be paid within 30 days after the notice
672 of payment due is transmitted by the Lobbyist Registration
673 Office, unless appeal is made to the commission. The moneys
674 shall be deposited into the Executive Branch Lobby Registration
675 Trust Fund.

676 4. A fine shall not be assessed against a lobbying firm
677 the first time any reports for which the lobbying firm is
678 responsible are not timely filed. However, to receive the one-
679 time fine waiver, all reports for which the lobbying firm is
680 responsible must be filed within 30 days after the notice that
681 any reports have not been timely filed is transmitted by the
682 Lobbyist Registration Office. A fine shall be assessed for any
683 subsequent late-filed reports.

684 5. Any lobbying firm may appeal or dispute a fine, based
685 upon unusual circumstances surrounding the failure to file on
686 the designated due date, and may request and shall be entitled
687 to a hearing before the commission, which shall have the

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688 authority to waive the fine in whole or in part for good cause
 689 shown. Any such request shall be made within 30 days after the
 690 notice of payment due is transmitted by the Lobbyist
 691 Registration Office. In such case, the lobbying firm shall,
 692 within the 30-day period, notify the person designated to review
 693 the timeliness of reports in writing of his or her intention to
 694 bring the matter before the commission.

695 6. The person designated to review the timeliness of
 696 reports shall notify the commission of the failure of a lobbying
 697 firm to file a report after notice or of the failure of a
 698 lobbying firm to pay the fine imposed. All lobbyist
 699 registrations for lobbyists who are partners, owners, officers,
 700 or employees of a lobbying firm that fails to timely pay a fine
 701 are automatically suspended until the fine is paid or waived,
 702 and the commission shall promptly notify all affected principals
 703 of any suspension or reinstatement.

704 7. Notwithstanding any provision of chapter 120, any fine
 705 imposed under this subsection that is not waived by final order
 706 of the commission and that remains unpaid more than 60 days
 707 after the notice of payment due or more than 60 days after the
 708 commission renders a final order on the lobbying firm's appeal
 709 shall be collected by the Department of Financial Services as a
 710 claim, debt, or other obligation owed to the state, and the
 711 department may assign the collection of such fine to a
 712 collection agent as provided in s. 17.20.

713 Section 12. Effective April 1, 2007, paragraph (d) of
 714 subsection (5) of section 112.3215, Florida Statutes, as amended

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715 | by section 6 of chapter 2005-359, Laws of Florida, is amended to
716 | read:

717 | 112.3215 Lobbying before the executive branch or the
718 | Constitution Revision Commission; registration and reporting;
719 | investigation by commission.--

720 | (5)

721 | (d) The commission shall provide by rule the grounds for
722 | waiving a fine, the procedures ~~a procedure~~ by which a lobbying
723 | firm that fails to timely file a report shall be notified and
724 | assessed fines, and the procedure for appealing the fines. The
725 | rule shall provide for the following:

726 | 1. Upon determining that the report is late, the person
727 | designated to review the timeliness of reports shall immediately
728 | notify the lobbying firm as to the failure to timely file the
729 | report and that a fine is being assessed for each late day. The
730 | fine shall be \$50 per day per report for each late day up to a
731 | maximum of \$5,000 per late report.

732 | 2. Upon receipt of the report, the person designated to
733 | review the timeliness of reports shall determine the amount of
734 | the fine due based upon the earliest of the following:

735 | a. When a report is actually received by the lobbyist
736 | registration and reporting office.

737 | b. When the electronic receipt issued pursuant to s.
738 | 112.32155 is dated.

739 | 3. Such fine shall be paid within 30 days after the notice
740 | of payment due is transmitted by the Lobbyist Registration
741 | Office, unless appeal is made to the commission. The moneys

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742 shall be deposited into the Executive Branch Lobby Registration
743 Trust Fund.

744 4. A fine shall not be assessed against a lobbying firm
745 the first time any reports for which the lobbying firm is
746 responsible are not timely filed. However, to receive the one-
747 time fine waiver, all reports for which the lobbying firm is
748 responsible must be filed within 30 days after the notice that
749 any reports have not been timely filed is transmitted by the
750 Lobbyist Registration Office. A fine shall be assessed for any
751 subsequent late-filed reports.

752 5. Any lobbying firm may appeal or dispute a fine, based
753 upon unusual circumstances surrounding the failure to file on
754 the designated due date, and may request and shall be entitled
755 to a hearing before the commission, which shall have the
756 authority to waive the fine in whole or in part for good cause
757 shown. Any such request shall be made within 30 days after the
758 notice of payment due is transmitted by the Lobbyist
759 Registration Office. In such case, the lobbying firm shall,
760 within the 30-day period, notify the person designated to review
761 the timeliness of reports in writing of his or her intention to
762 bring the matter before the commission.

763 6. The person designated to review the timeliness of
764 reports shall notify the commission of the failure of a lobbying
765 firm to file a report after notice or of the failure of a
766 lobbying firm to pay the fine imposed. All lobbyist
767 registrations for lobbyists who are partners, owners, officers,
768 or employees of a lobbying firm that fails to timely pay a fine
769 are automatically suspended until the fine is paid or waived,

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770 and the commission shall promptly notify all affected principals
771 of any suspension or reinstatement.

772 7. Notwithstanding any provision of chapter 120, any fine
773 imposed under this subsection that is not waived by final order
774 of the commission and that remains unpaid more than 60 days
775 after the notice of payment due or more than 60 days after the
776 commission renders a final order on the lobbying firm's appeal
777 shall be collected by the Department of Financial Services as a
778 claim, debt, or other obligation owed to the state, and the
779 department may assign the collection of such fine to a
780 collection agent as provided in s. 17.20.

781 Section 13. Subsection (4) of section 112.322, Florida
782 Statutes, is amended to read:

783 112.322 Duties and powers of commission.--

784 (4) The commission has the power to subpoena, audit, and
785 investigate. The commission may subpoena witnesses and compel
786 their attendance and testimony, administer oaths and
787 affirmations, take evidence, and require by subpoena the
788 production of any books, papers, records, or other items
789 relevant to the performance of the duties of the commission or
790 to the exercise of its powers. The commission may delegate to
791 its investigators the authority to administer oaths and
792 affirmations. The commission may delegate the authority to issue
793 subpoenas to its chair, and may authorize its employees to serve
794 any subpoena issued under this section. In the case of a refusal
795 to obey a subpoena issued to any person, the commission may make
796 application to any circuit court of this state which shall have
797 jurisdiction to order the witness to appear before the

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798 commission and to produce evidence, if so ordered, or to give
 799 testimony touching on the matter in question. Failure to obey
 800 the order may be punished by the court as contempt. Witnesses
 801 shall be paid mileage and witnesses fees as authorized for
 802 witnesses in civil cases, except that a witness who is required
 803 to travel outside the county of his or her residence to testify
 804 is entitled to per diem and travel expenses at the same rate
 805 provided for state employees under s. 112.061, to be paid after
 806 the witness appears.

807 Section 14. Subsections (3) and (4) of section 914.21,
 808 Florida Statutes, are amended to read:

809 914.21 Definitions.--As used in ss. 914.22-914.24, the
 810 term:

811 (3) "Official investigation" means any investigation
 812 instituted by a law enforcement agency or prosecuting officer of
 813 the state or a political subdivision of the state or the
 814 Commission on Ethics.

815 (4) "Official proceeding" means:

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

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

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

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

821 Section 15. Except as otherwise expressly provided in this
 822 act, this act shall take effect October 1, 2006.