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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2015	.	
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The Committee on Rules (Joyner) recommended the following:

1           **Senate Substitute for Amendment (381578) (with title**  
2 **amendment)**

3  
4           Delete lines 408 - 744

5 and insert:

6           Section 6. Section 112.3261, Florida Statutes, is amended  
7 to read:

8           112.3261 Lobbying before governmental entities ~~water~~  
9 ~~management districts~~; registration and reporting.—

10           (1) As used in this section, the term:

11           (a) "Governmental entity" or "entity" ~~"District"~~ means a



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12 water management district created in s. 373.069 and operating  
13 under the authority of chapter 373, a hospital district, a  
14 children's services district, an expressway authority as the  
15 term "authority" is defined in s. 348.0002, the term "port  
16 authority" as defined in s. 315.02, a county or municipality  
17 that has not adopted lobbyist registration and reporting  
18 requirements, or an independent special district with annual  
19 revenues of more than \$5 million which exercises ad valorem  
20 taxing authority.

21 (b) "Lobbies" means seeking, on behalf of another person,  
22 to influence a governmental entity ~~district~~ with respect to a  
23 decision of the entity ~~district~~ in an area of policy or  
24 procurement or an attempt to obtain the goodwill of an a  
25 ~~district~~ official or employee of a governmental entity. The term  
26 "lobbies" shall be interpreted and applied consistently with the  
27 rules of the commission implementing s. 112.3215.

28 (c) "Lobbyist" has the same meaning as provided in s.  
29 112.3215.

30 (d) "Principal" has the same meaning as provided in s.  
31 112.3215.

32 (2) A person may not lobby a governmental entity ~~district~~  
33 until such person has registered as a lobbyist with that entity  
34 ~~district~~. Such registration shall be due upon initially being  
35 retained to lobby and is renewable on a calendar-year basis  
36 thereafter. Upon registration, the person shall provide a  
37 statement signed by the principal or principal's representative  
38 stating that the registrant is authorized to represent the  
39 principal. The principal shall also identify and designate its  
40 main business on the statement authorizing that lobbyist



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41 pursuant to a classification system approved by the governmental  
42 entity district. Any changes to the information required by this  
43 section must be disclosed within 15 days by filing a new  
44 registration form. The registration form shall require each  
45 lobbyist to disclose, under oath, the following:

46 (a) The lobbyist's name and business address.

47 (b) The name and business address of each principal  
48 represented.

49 (c) The existence of any direct or indirect business  
50 association, partnership, or financial relationship with an  
51 official ~~any officer~~ or employee of a governmental entity  
52 ~~district~~ with which he or she lobbies or intends to lobby.

53 (d) A governmental entity shall create a lobbyist  
54 registration form modeled after the ~~In lieu of creating its own~~  
55 ~~lobbyist registration forms, a district may accept a completed~~  
56 legislative branch or executive branch lobbyist registration  
57 form, which must be returned to the governmental entity.

58 (3) A governmental entity district shall make lobbyist  
59 registrations available to the public. If a governmental entity  
60 ~~district~~ maintains a website, a database of currently registered  
61 lobbyists and principals must be available on the entity's  
62 ~~district's~~ website.

63 (4) A lobbyist shall promptly send a written statement to  
64 the governmental entity district canceling the registration for  
65 a principal upon termination of the lobbyist's representation of  
66 that principal. A governmental entity district may remove the  
67 name of a lobbyist from the list of registered lobbyists if the  
68 principal notifies the entity district that a person is no  
69 longer authorized to represent that principal.



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70           (5) A governmental entity ~~district~~ may establish an annual  
71 lobbyist registration fee, not to exceed \$40, for each principal  
72 represented. The governmental entity ~~district~~ may use  
73 registration fees only to administer this section.

74           (6) A governmental entity ~~district~~ shall be diligent to  
75 ascertain whether persons required to register pursuant to this  
76 section have complied. A governmental entity ~~district~~ may not  
77 knowingly authorize a person who is not registered pursuant to  
78 this section to lobby the entity ~~district~~.

79           (7) Upon receipt of a sworn complaint alleging that a  
80 lobbyist or principal has failed to register with a governmental  
81 entity ~~district~~ or has knowingly submitted false information in  
82 a report or registration required under this section, the  
83 commission shall investigate a lobbyist or principal pursuant to  
84 the procedures established under s. 112.324. The commission  
85 shall provide the Governor with a report of its findings and  
86 recommendations in any investigation conducted pursuant to this  
87 subsection. The Governor is authorized to enforce the  
88 commission's findings and recommendations.

89           (8) A governmental entity ~~Water management districts~~ may  
90 adopt rules to establish procedures to govern the registration  
91 of lobbyists, including the adoption of forms and the  
92 establishment of a lobbyist registration fee.

93           Section 7. Paragraph (c) of subsection (3) of section  
94 129.03, Florida Statutes, is amended to read:

95           129.03 Preparation and adoption of budget.—

96           (3) The county budget officer, after tentatively  
97 ascertaining the proposed fiscal policies of the board for the  
98 next fiscal year, shall prepare and present to the board a



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99 tentative budget for the next fiscal year for each of the funds  
100 provided in this chapter, including all estimated receipts,  
101 taxes to be levied, and balances expected to be brought forward  
102 and all estimated expenditures, reserves, and balances to be  
103 carried over at the end of the year.

104 (c) The board shall hold public hearings to adopt tentative  
105 and final budgets pursuant to s. 200.065. The hearings shall be  
106 primarily for the purpose of hearing requests and complaints  
107 from the public regarding the budgets and the proposed tax  
108 levies and for explaining the budget and any proposed or adopted  
109 amendments. The tentative budget must be posted on the county's  
110 official website at least 2 days before the public hearing to  
111 consider such budget and must remain on the website for at least  
112 45 days. The final budget must be posted on the website within  
113 30 days after adoption and must remain on the website for at  
114 least 2 years. The tentative budgets, adopted tentative budgets,  
115 and final budgets shall be filed in the office of the county  
116 auditor as a public record. Sufficient reference in words and  
117 figures to identify the particular transactions shall be made in  
118 the minutes of the board to record its actions with reference to  
119 the budgets.

120 Section 8. Paragraph (f) of subsection (2) of section  
121 129.06, Florida Statutes, is amended to read:

122 129.06 Execution and amendment of budget.—

123 (2) The board at any time within a fiscal year may amend a  
124 budget for that year, and may within the first 60 days of a  
125 fiscal year amend the budget for the prior fiscal year, as  
126 follows:

127 (f) Unless otherwise prohibited by law, if an amendment to



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128 a budget is required for a purpose not specifically authorized  
129 in paragraphs (a)-(e), the amendment may be authorized by  
130 resolution or ordinance of the board of county commissioners  
131 adopted following a public hearing.

132 1. The public hearing must be advertised at least 2 days,  
133 but not more than 5 days, before the date of the hearing. The  
134 advertisement must appear in a newspaper of paid general  
135 circulation and must identify the name of the taxing authority,  
136 the date, place, and time of the hearing, and the purpose of the  
137 hearing. The advertisement must also identify each budgetary  
138 fund to be amended, the source of the funds, the use of the  
139 funds, and the total amount of each fund's appropriations.

140 2. If the board amends the budget pursuant to this  
141 paragraph, the adopted amendment must be posted on the county's  
142 official website within 5 days after adoption and must remain on  
143 the website for at least 2 years.

144 Section 9. Subsections (3) and (5) of section 166.241,  
145 Florida Statutes, are amended to read:

146 166.241 Fiscal years, budgets, and budget amendments.—

147 (3) The tentative budget must be posted on the  
148 municipality's official website at least 2 days before the  
149 budget hearing, held pursuant to s. 200.065 or other law, to  
150 consider such budget, and must remain on the website for at  
151 least 45 days. The final adopted budget must be posted on the  
152 municipality's official website within 30 days after adoption  
153 and must remain on the website for at least 2 years. If the  
154 municipality does not operate an official website, the  
155 municipality must, within a reasonable period of time as  
156 established by the county or counties in which the municipality



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157 is located, transmit the tentative budget and final budget to  
158 the manager or administrator of such county or counties who  
159 shall post the budgets on the county's website.

160 (5) If the governing body of a municipality amends the  
161 budget pursuant to paragraph (4) (c), the adopted amendment must  
162 be posted on the official website of the municipality within 5  
163 days after adoption and must remain on the website for at least  
164 2 years. If the municipality does not operate an official  
165 website, the municipality must, within a reasonable period of  
166 time as established by the county or counties in which the  
167 municipality is located, transmit the adopted amendment to the  
168 manager or administrator of such county or counties who shall  
169 post the adopted amendment on the county's website.

170 Section 10. Subsections (4) and (7) of section 189.016,  
171 Florida Statutes, are amended to read:

172 189.016 Reports; budgets; audits.—

173 (4) The tentative budget must be posted on the special  
174 district's official website at least 2 days before the budget  
175 hearing, held pursuant to s. 200.065 or other law, to consider  
176 such budget, and must remain on the website for at least 45  
177 days. The final adopted budget must be posted on the special  
178 district's official website within 30 days after adoption and  
179 must remain on the website for at least 2 years. If the special  
180 district does not operate an official website, the special  
181 district must, within a reasonable period of time as established  
182 by the local general-purpose government or governments in which  
183 the special district is located or the local governing authority  
184 to which the district is dependent, transmit the tentative  
185 budget or final budget to the manager or administrator of the



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186 local general-purpose government or the local governing  
187 authority. The manager or administrator shall post the tentative  
188 budget or final budget on the website of the local general-  
189 purpose government or governing authority. This subsection and  
190 subsection (3) do not apply to water management districts as  
191 defined in s. 373.019.

192 (7) If the governing body of a special district amends the  
193 budget pursuant to paragraph (6)(c), the adopted amendment must  
194 be posted on the official website of the special district within  
195 5 days after adoption and must remain on the website for at  
196 least 2 years. If the special district does not operate an  
197 official website, the special district must, within a reasonable  
198 period of time as established by the local general-purpose  
199 government or governments in which the special district is  
200 located or the local governing authority to which the district  
201 is dependent, transmit the adopted amendment to the manager or  
202 administrator of the local general-purpose government or  
203 governing authority. The manager or administrator shall post the  
204 adopted amendment on the website of the local general-purpose  
205 government or governing authority.

206 Section 11. Present subsection (1) of section 215.425,  
207 Florida Statutes, is redesignated as subsection (2), present  
208 subsection (2) and paragraph (a) of subsection (4) are amended,  
209 and a new subsection (1) and subsections (6) through (12) are  
210 added to that section, to read:

211 215.425 Extra compensation claims prohibited; bonuses;  
212 severance pay.—

213 (1) As used in this section, the term "public funds" means  
214 any taxes, tuition, state grants, fines, fees, or other charges





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215 or any other type of revenue collected by the state or any  
216 county, municipality, special district, school district, Florida  
217 College System institution, state university, or other separate  
218 unit of government created pursuant to law, including any  
219 office, department, agency, division, subdivision, political  
220 subdivision, board, bureau, or commission of such entities.

221 However, the term does not include the following:

222 (a) For state universities, revenues received by, through,  
223 or from faculty practice plans, health services support  
224 organizations, hospitals with which state universities are  
225 affiliated, direct-support organizations, or federal, auxiliary,  
226 or private sources, except for tuition;

227 (b) For public hospitals, special districts, and Florida  
228 College System institutions, revenues and fees received from  
229 non-state appropriated sources or other general non-tax  
230 revenues; or

231 (c) A clothing and maintenance allowance given to  
232 plainclothes deputies pursuant to s. 30.49.

233 ~~(2) This section does not apply to:~~

234 ~~(a) A bonus or severance pay that is paid wholly from~~  
235 ~~nontax revenues and nonstate-appropriated funds, the payment and~~  
236 ~~receipt of which does not otherwise violate part III of chapter~~  
237 ~~112, and which is paid to an officer, agent, employee, or~~  
238 ~~contractor of a public hospital that is operated by a county or~~  
239 ~~a special district; or~~

240 ~~(b) A clothing and maintenance allowance given to~~  
241 ~~plainclothes deputies pursuant to s. 30.49.~~

242 (4) (a) ~~On or after July 1, 2011,~~ A unit of government, on  
243 or after July 1, 2011, or a state university, on or after July



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244 1, 2012, that is a party to ~~enters into~~ a contract or employment  
245 agreement, or renewal or renegotiation of an existing contract  
246 or employment agreement, that contains a provision for severance  
247 pay with an officer, agent, employee, or contractor must include  
248 the following provisions in the contract:

249 1. A requirement that severance pay paid from public funds  
250 ~~provided~~ may not exceed an amount greater than 20 weeks of  
251 compensation.

252 2. A prohibition of provision of severance pay paid from  
253 public funds when the officer, agent, employee, or contractor  
254 has been fired for misconduct, as defined in s. 443.036(29), by  
255 the unit of government.

256 (6) Upon discovery or notification that a unit of  
257 government has provided prohibited compensation to any officer,  
258 agent, employee, or contractor in violation of this section,  
259 such unit of government shall investigate and take all necessary  
260 action to recover the prohibited compensation.

261 (a) If the violation was unintentional, the unit of  
262 government shall recover the prohibited compensation from the  
263 individual receiving the prohibited compensation through normal  
264 recovery methods for overpayments.

265 (b) If the violation was willful, the unit of government  
266 shall recover the prohibited compensation from either the  
267 individual receiving the prohibited compensation or the  
268 individual or individuals responsible for approving the  
269 prohibited compensation. Each individual determined to have  
270 willfully violated this section is jointly and severally liable  
271 for repayment of the prohibited compensation.

272 (7) A person who willfully violates this section commits a



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273 misdemeanor of the first degree, punishable as provided in s.  
274 775.082 or s. 775.083.

275 (8) An officer who exercises the powers and duties of a  
276 state or county officer and willfully violates this section is  
277 subject to the Governor's power under s. 7(a), Art. IV of the  
278 State Constitution. An officer who exercises powers and duties  
279 other than those of a state or county officer and willfully  
280 violates this section is subject to the suspension and removal  
281 procedures under s. 112.51.

282 (9) (a) A person who reports a violation of this section is  
283 eligible for a reward of at least \$500, or the lesser of 10  
284 percent of the funds recovered or \$10,000 per incident of a  
285 prohibited compensation payment recovered by the unit of  
286 government, depending upon the extent to which the person  
287 substantially contributed to the discovery, notification, and  
288 recovery of such prohibited payment.

289 (b) In the event that the recovery of the prohibited  
290 compensation is based primarily on disclosures of specific  
291 information, other than information provided by such person,  
292 relating to allegations or transactions in a criminal, civil, or  
293 administrative hearing; in a legislative, administrative,  
294 inspector general, or other government report; in an auditor  
295 general report, hearing, audit, or investigation; or from the  
296 news media, such person is not eligible for a reward or for an  
297 award of a portion of the proceeds or payment of attorney fees  
298 and costs pursuant to s. 68.085.

299 (c) If it is determined that the person who reported a  
300 violation of this section was involved in the authorization,  
301 approval, or receipt of the prohibited compensation or is



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302 convicted of criminal conduct arising from his or her role in  
303 the authorization, approval, or receipt of the prohibited  
304 compensation, such person is not eligible for a reward or for an  
305 award of a portion of the proceeds or payment of attorney fees  
306 and costs pursuant to s. 68.085.

307 (10) An employee who is discharged, demoted, suspended,  
308 threatened, harassed, or in any manner discriminated against in  
309 the terms and conditions of employment by his or her employer  
310 because of lawful acts done by the employee on behalf of the  
311 employee or others in furtherance of an action under this  
312 section, including investigation for initiation of, testimony  
313 for, or assistance in an action filed or to be filed under this  
314 section, has a cause of action under s. 112.3187.

315 (11) If the unit of government fails to recover prohibited  
316 compensation for a willful violation of this section upon  
317 discovery and notification of such prohibited payment within 90  
318 days, a cause of action may be brought to:

319 (a) Recover state funds in accordance with ss. 68.082 and  
320 68.083.

321 (b) Recover other funds by the Department of Legal Affairs  
322 using the procedures set forth in ss. 68.082 and 68.083, except  
323 that venue shall lie in the circuit court of the county in which  
324 the unit of government is located.

325 (c) Recover other funds by a person using the procedures  
326 set forth in ss. 68.082 and 68.083, except that venue shall lie  
327 in the circuit court of the county in which the unit of  
328 government is located.

329 (12) Subsections (7)-(11) apply prospectively to contracts  
330 or employment agreements, or the renewal or renegotiation of an



331 existing contract or employment agreement, effective on or after  
332 July 1, 2015.

333

334 ===== T I T L E   A M E N D M E N T =====

335 And the title is amended as follows:

336       Delete lines 30 - 58

337 and insert:

338       interests to include school districts; amending s.  
339       112.3261, F.S.; revising terms to conform to changes  
340       made by the act; expanding the types of governmental  
341       entities that are subject to lobbyist registration  
342       requirements; requiring a governmental entity to  
343       create a lobbyist registration form; amending ss.  
344       129.03, 129.06, 166.241, and 189.016, F.S.; requiring  
345       counties, municipalities, and special districts to  
346       maintain certain budget documents on the entities'  
347       websites for a specified period; amending s. 215.425,  
348       F.S.; defining the term "public funds"; requiring  
349       certain contracts to which a unit of government or  
350       state university is a party during a specified period  
351       to contain certain prohibitions on severance pay;  
352       requiring a unit of government to investigate and take  
353       necessary action to recover prohibited compensation;  
354       specifying methods of recovery and liability for  
355       unintentional and willful violations; providing a  
356       penalty; specifying applicability of procedures  
357       regarding suspension and removal of an officer who  
358       commits a willful violation; establishing eligibility  
359       criteria and amounts for rewards; specifying



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360 | circumstances under which an employee has a cause of  
361 | action under the Whistle-blower's Act; establishing  
362 | causes of action if a unit of government fails to  
363 | recover prohibited compensation within a certain  
364 | timeframe; providing applicability;