

By Senator Mayfield

17-00660A-18

20181534__

1 A bill to be entitled
2 An act relating to government integrity; repealing s.
3 11.061, F.S., relating to state, state university, and
4 community college employee lobbyists; amending ss.
5 14.32 and 20.055, F.S.; requiring the Chief Inspector
6 General and each agency inspector general,
7 respectively, to determine within a specified
8 timeframe whether reasonable cause exists to believe
9 that fraud, waste, abuse, mismanagement, or misconduct
10 in government has occurred; requiring such findings to
11 be reported to the Legislature, the Commission on
12 Ethics, and certain law enforcement agencies; amending
13 s. 17.325, F.S.; requiring copies of certain records
14 to be provided monthly to the Legislature by a
15 specified date; creating s. 106.114, F.S.; providing
16 definitions; prohibiting certain public service
17 announcements by specified governmental entities,
18 persons acting on behalf of such entities, and elected
19 officials; providing applicability; amending s.
20 110.1245, F.S.; authorizing the Department of
21 Management Services to adopt certain rules relating to
22 individuals or groups of employees who initiate a
23 complaint under the Whistle-blower's Act; providing
24 for awards to employees for cost savings realized from
25 such complaints; requiring the appropriate agency
26 inspector general to take certain actions regarding an
27 award payment; providing limitations on such awards;
28 prohibiting certain employees who are at fault for
29 misspending or attempted misspending of public funds

17-00660A-18

20181534__

30 from receiving such awards at the department head's
31 discretion; amending s. 112.313, F.S.; revising
32 applicability of certain provisions relating to
33 contractual relationships; providing that contractual
34 relationships held by business entities are deemed
35 held by public officers or employees in certain
36 situations; prohibiting a public officer or an
37 employee of an agency from soliciting specified
38 employment or contractual relationships; requiring
39 certain offers and solicitations of employment or
40 contractual relationships to be disclosed to certain
41 persons; requiring such disclosures be made to the
42 Commission on Ethics under certain circumstances;
43 authorizing the commission to investigate such
44 disclosures; providing a definition; prohibiting
45 agency directors from receiving compensation for
46 certain representation for a specified period
47 following vacation of office; revising applicability;
48 amending s. 112.3142, F.S.; requiring certain ethics
49 training for governing board members of special
50 districts and water management districts; authorizing
51 certain continuing education courses to satisfy the
52 ethics training requirement; deleting a requirement
53 that the Commission on Ethics adopt certain rules
54 relating to ethics training class course content;
55 providing course content requirements; encouraging
56 training providers to seek accreditation; amending s.
57 112.3143, F.S.; prohibiting governing board members of
58 special districts or school districts from voting in

17-00660A-18

20181534__

59 an official capacity on specified matters; prohibiting
60 county, municipal, or other local public officers or
61 governing board members of special districts or school
62 districts from participating in specified matters;
63 amending s. 112.3144, F.S.; requiring certain mayors
64 and members of a governing body of a municipality to
65 file a full and public disclosure of financial
66 interests; providing disclosure requirements; amending
67 s. 112.3145, F.S.; providing disclosure requirements
68 regarding annual ethics training on a statement of
69 financial interests; providing applicability; amending
70 s. 112.31455, F.S.; applying provisions relating to
71 the collection of unpaid fines for failure to file
72 disclosures of financial interests to school
73 districts; amending s. 112.3148, F.S.; conforming
74 provisions to specified local government lobbyist
75 registration requirements; creating s. 112.3181, F.S.;
76 prohibiting statewide elected officers and legislators
77 from soliciting employment offers or investment advice
78 arising out of official or political activities;
79 providing exceptions; prohibiting such officers or
80 legislators from soliciting or accepting investment
81 advice from, or soliciting or entering into certain
82 profitmaking relationships with, a lobbyist or
83 principal; providing an exception; providing
84 definitions; requiring lobbyists and principals to
85 disclose certain prohibited solicitations to the
86 commission; authorizing the commission to investigate
87 such disclosures; requiring a statewide elected

17-00660A-18

20181534__

88 officer or legislator to disclose the acceptance of
89 new employment or increased compensation to the
90 commission; requiring the commission to publish such
91 disclosures on its website; authorizing the commission
92 to adopt certain forms and rules; amending s.
93 112.3185, F.S.; providing definitions; prohibiting
94 certain officers and employees from soliciting
95 employment or contractual relationships from or
96 negotiating employment or contractual relationships
97 with certain employers; providing exceptions;
98 requiring disclosure of certain offers of employment
99 or contractual relationships; revising applicability;
100 amending s. 112.3187, F.S.; replacing the term "gross
101 mismanagement" with the term "mismanagement";
102 conforming provisions to changes made by the act;
103 amending s. 112.3215, F.S., and reenacting subsection
104 (15); revising definitions; requiring an executive
105 branch lobbyist to electronically register with the
106 commission; revising lobbyist registration,
107 compensation report, principal designation
108 cancellation, and investigation requirements; revising
109 lobbyist registration fees; authorizing the commission
110 to dismiss certain complaints and investigations;
111 repealing s. 112.3261, F.S., relating to registration
112 and reporting for lobbying water management districts;
113 creating s. 112.3262, F.S.; providing definitions;
114 requiring the commission to create the Local
115 Government Lobbyist Registration System; providing for
116 the future removal of local government authority to

17-00660A-18

20181534__

117 enact a rule or ordinance requiring lobbyists to
118 register with the local government; requiring
119 lobbyists to register with the commission before
120 lobbying governmental entities as of a specified date;
121 providing registration requirements and fees;
122 providing responsibilities for lobbyists, governmental
123 entities, the commission, and the Governor; providing
124 civil penalties; authorizing the suspension of certain
125 lobbyists under certain circumstances; authorizing the
126 commission to adopt rules; requiring the commission to
127 provide advisory opinions for specified purposes;
128 amending s. 218.32, F.S.; requiring the Department of
129 Financial Services to file an annual report with the
130 Legislature and the commission by a specified date;
131 amending ss. 112.3188, 112.3189, and 112.31895, F.S.;
132 conforming provisions to changes made by the act;
133 declaring that the act fulfills an important state
134 interest; providing effective dates.

135

136 Be It Enacted by the Legislature of the State of Florida:

137

138 Section 1. Section 11.061, Florida Statutes, is repealed.

139 Section 2. Subsection (6) is added to section 14.32,

140 Florida Statutes, to read:

141 14.32 Office of Chief Inspector General.—

142 (6) Within 6 months after the Chief Inspector General

143 initiates any investigation of fraud, waste, abuse,

144 mismanagement, or misconduct in government, he or she shall

145 determine whether reasonable cause exists to believe that fraud,

17-00660A-18

20181534__

146 waste, abuse, mismanagement, or misconduct in government has
147 occurred. If such reasonable cause does not exist, the Chief
148 Inspector General must make a new determination every 3 months
149 until the investigation is closed or he or she determines that
150 such reasonable cause exists. If the Chief Inspector General
151 determines that such reasonable cause exists, he or she must
152 report such findings to the President of the Senate, the Speaker
153 of the House of Representatives, the Commission on Ethics, and
154 any law enforcement agency that has jurisdiction over the
155 subject matter.

156 Section 3. Present subsections (4) and (5) of section
157 17.325, Florida Statutes, are renumbered as subsections (5) and
158 (6), respectively, and a new subsection (4) is added to that
159 section, to read:

160 17.325 Governmental efficiency hotline; duties of Chief
161 Financial Officer.—

162 (4) Copies of records entered pursuant to subsection (3)
163 must be provided to the President of the Senate and the Speaker
164 of the House of Representatives by the 15th day of the following
165 month.

166 Section 4. Present paragraphs (e) and (f) of subsection (7)
167 of section 20.055, Florida Statutes, are redesignated as
168 paragraphs (f) and (g), respectively, and a new paragraph (e) is
169 added to that subsection, to read:

170 20.055 Agency inspectors general.—

171 (7) In carrying out the investigative duties and
172 responsibilities specified in this section, each inspector
173 general shall initiate, conduct, supervise, and coordinate
174 investigations designed to detect, deter, prevent, and eradicate

17-00660A-18

20181534__

175 fraud, waste, mismanagement, misconduct, and other abuses in
176 state government. For these purposes, each inspector general
177 shall:

178 (e) Within 6 months after initiating any investigation of
179 fraud, waste, abuse, mismanagement, or misconduct in government,
180 determine whether reasonable cause exists to believe that fraud,
181 waste, abuse, mismanagement, or misconduct in government has
182 occurred. If such reasonable cause does not exist, the inspector
183 general must make a new determination every 3 months until the
184 investigation is closed or he or she determines that such
185 reasonable cause exists. If an inspector general determines that
186 such reasonable cause exists, he or she must report such
187 findings to the President of the Senate, the Speaker of the
188 House of Representatives, the Commission on Ethics, and any law
189 enforcement agency that has jurisdiction over the subject
190 matter.

191 Section 5. Section 106.114, Florida Statutes, is created to
192 read:

193 106.114 Elected official advertising.-

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

195 (a) "Governmental entity" means any executive, judicial, or
196 quasi-judicial department; state university; community college;
197 water management district; or political subdivision.

198 (b) "Public service announcement" means any message
199 communicated by radio, television, electronic communication, or
200 billboard that promotes or announces an issue of public
201 importance, concern, or welfare.

202 (2) A governmental entity, a person acting on behalf of a
203 governmental entity, or an elected official may not use or

17-00660A-18

20181534__

204 authorize the use of an elected official's name, image,
205 likeness, official uniform, badge, or other symbol of office in
206 a public service announcement beginning on the date that the
207 public official becomes a candidate for reelection or election
208 to public office and ending on the date of the general election
209 for which the candidate intends to qualify if such announcement
210 is paid for with public funds or if the time or space for such
211 announcement is donated by the media. This subsection does not
212 apply to bona fide news events, such as public debates broadcast
213 by a licensed broadcaster.

214 Section 6. Paragraphs (a) and (b) of subsection (1) and
215 paragraph (a) of subsection (2) of section 110.1245, Florida
216 Statutes, are amended, and subsection (6) is added to that
217 section, to read:

218 110.1245 Savings sharing program; bonus payments; other
219 awards.—

220 (1) (a) The Department of Management Services shall adopt
221 rules that prescribe procedures and promote a savings sharing
222 program for an individual or group of employees who propose
223 procedures or ideas that are adopted and that result in
224 eliminating or reducing state expenditures, including procedures
225 or ideas that are proposed by an individual or group of
226 employees who initiate a complaint under the Whistle-blower's
227 Act, if such proposals are placed in effect and may be
228 implemented under current statutory authority.

229 (b) Each agency head shall recommend employees individually
230 or by group to be awarded an amount of money, which amount shall
231 be directly related to the cost savings realized. Each agency
232 inspector general shall recommend employees individually or by

17-00660A-18

20181534__

233 group to be awarded an amount of money which shall be directly
234 related to the cost savings realized from the complaint
235 initiated under the Whistle-blower's Act. Each proposed award
236 and amount of money must be approved by the Legislative Budget
237 Commission, except as provided in subsection (6).

238 (2) In June of each year, bonuses shall be paid to
239 employees from funds authorized by the Legislature in an
240 appropriation specifically for bonuses. Each agency shall
241 develop a plan for awarding lump-sum bonuses, which plan shall
242 be submitted no later than September 15 of each year and
243 approved by the Office of Policy and Budget in the Executive
244 Office of the Governor. Such plan shall include, at a minimum,
245 but is not limited to:

246 (a) A statement that bonuses are subject to specific
247 appropriation by the Legislature, except as provided in
248 subsection (6).

249 (6) Whistle-blower's Act awards shall be awarded by each
250 agency, and each department head is authorized to incur
251 expenditures to provide an award to employees individually or by
252 group who initiated a complaint under the Whistle-blower Act if
253 such complaint results in cost savings in excess of \$1,000. The
254 award shall be paid from funds of the specific appropriation or
255 trust fund to which the benefits of the savings inure. The
256 agency inspector general to whom the whistle-blower's complaint
257 was made or referred shall certify the identity of the employee
258 or employees who initiated such complaint and, in coordination
259 with the department head or the department head's designee, the
260 amount of savings resulting from the complaint. If more than one
261 employee makes a relevant report, the award shall be distributed

17-00660A-18

20181534__

262 in proportion to the employee's contribution to the
263 investigation as certified by the agency inspector general.
264 Awards shall be in the following amounts:

265 (a) A career service employee shall be awarded the greater
266 of 10 percent of the savings or \$500, except that such an
267 employee may not be awarded more than \$50,000 in a year. If the
268 employee is partially or wholly at fault, as certified by the
269 agency inspector general, for any misspending or attempted
270 misspending of public funds identified in the complaint, the
271 employee is not eligible for an award or the employee's award is
272 limited to \$500, at the discretion of the department head.

273 (b) A Senior Management Service or Selected Exempt Service
274 employee shall be awarded 5 percent of the savings, except that
275 such an employee may not be awarded more than \$1,000 in a year.
276 If the employee is partially or wholly at fault, as certified by
277 the agency inspector general, for any misspending or attempted
278 misspending of public funds identified in the complaint, the
279 employee is not eligible for an award.

280 Section 7. Subsections (7), (9), and (15) of section
281 112.313, Florida Statutes, are amended to read:

282 112.313 Standards of conduct for public officers, employees
283 of agencies, and local government attorneys.—

284 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

285 (a) A ~~Ne~~ public officer or employee of an agency may not
286 shall have or hold any employment or contractual relationship
287 with any business entity or any agency that ~~which~~ is subject to
288 the regulation of, or is doing business with, the officer's or
289 employee's ~~an~~ agency. This paragraph does not apply to ~~of which~~
290 he or she is an officer or employee, excluding those

17-00660A-18

20181534__

291 organizations and their officers who, when acting in their
 292 official capacity, enter into or negotiate a collective
 293 bargaining contract with the state or any municipality, county,
 294 or other political subdivision of the state. Such; ~~nor shall an~~
 295 officer or employee may not ~~of an agency~~ have or hold any
 296 employment or contractual relationship that will create a
 297 continuing or frequently recurring conflict between his or her
 298 private interests and the performance of his or her public
 299 duties or that would impede the full and faithful discharge of
 300 his or her public duties. For purposes of this subsection, if a
 301 public officer or employee of an agency holds a material
 302 interest in a business entity other than a publicly traded
 303 entity, or is an officer, director, or member who manages such
 304 an entity, contractual relationships held by the business entity
 305 are deemed to be held by the public officer or employee.

306 1. When the agency referred to is a ~~that certain kind of~~
 307 special tax district created by general or special law and is
 308 limited specifically to constructing, maintaining, managing, and
 309 financing improvements in the land area over which the agency
 310 has jurisdiction, or when the agency has been organized pursuant
 311 to chapter 298, ~~then~~ employment with, or entering into a
 312 contractual relationship with, such a business entity by a
 313 public officer or employee of such an agency is ~~shall~~ not ~~be~~
 314 prohibited by this subsection or ~~be~~ deemed a conflict ~~per se~~.
 315 However, conduct by such officer or employee that is prohibited
 316 by, or otherwise frustrates the intent of, this section must
 317 ~~shall~~ be deemed a conflict of interest in violation of the
 318 standards of conduct set forth by this section.

319 2. When the agency referred to is a legislative body and

17-00660A-18

20181534__

320 the regulatory power over the business entity resides in another
321 agency, or when the regulatory power that ~~which~~ the legislative
322 body exercises over the business entity or agency is strictly
323 through the enactment of laws or ordinances, ~~then~~ employment
324 with, or entering into a contractual relationship with, such a
325 business entity by a public officer or employee of such a
326 legislative body is shall not ~~be~~ prohibited by this subsection
327 or ~~be~~ deemed a conflict based on the regulatory power of the
328 legislative body, unless prohibited or deemed a conflict by
329 another law.

330 (b) This subsection does ~~shall~~ not prohibit a public
331 officer or employee from practicing in a particular profession
332 or occupation when such practice by persons holding such public
333 office or employment is required or permitted by law or
334 ordinance.

335 (c) A public officer or an employee of an agency may not
336 solicit any employment or contractual relationship prohibited by
337 this subsection.

338 (d) A public officer or an employee of an agency must
339 disclose to the head of his or her agency, the general counsel
340 or inspector general of his or her agency, or any other officer
341 or attorney designated by the head of his or her agency any
342 offer of employment or contractual relationship that is
343 prohibited by this subsection.

344 (e) If a public officer or an employee of an agency, or a
345 person acting on his or her behalf, solicits employment with any
346 business entity or any agency that is subject to the regulation
347 of, or is doing business with, the officer's or employee's
348 agency in violation of paragraph (c), the solicited business

17-00660A-18

20181534__

349 entity or agency must disclose such solicitation to the head of
350 the officer's or employee's agency. If such solicitation is by
351 or on behalf of the head of the agency or a member of a body
352 that is the head of the agency, the solicited business entity or
353 agency must disclose such solicitation to the commission. The
354 commission may investigate such disclosure as if it were a valid
355 complaint under this part.

356 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
357 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

358 (a)1. It is the intent of the Legislature to implement by
359 statute the provisions of s. 8(e), Art. II of the State
360 Constitution relating to legislators, statewide elected
361 officers, appointed state officers, and designated public
362 employees.

363 2. As used in this paragraph:

364 a. "Employee" means:

365 (I) Any person employed in the executive or legislative
366 branch of government holding a position in the Senior Management
367 Service as defined in s. 110.402 or any person holding a
368 position in the Selected Exempt Service as defined in s. 110.602
369 or any person having authority over policy or procurement
370 employed by the Department of the Lottery.

371 (II) The Auditor General, the director of the Office of
372 Program Policy Analysis and Government Accountability, the
373 Sergeant at Arms and Secretary of the Senate, and the Sergeant
374 at Arms and Clerk of the House of Representatives.

375 (III) The executive director and deputy executive director
376 of the Commission on Ethics.

377 (IV) An executive director, staff director, or deputy staff

17-00660A-18

20181534__

378 director of each joint committee, standing committee, or select
379 committee of the Legislature; an executive director, staff
380 director, executive assistant, analyst, or attorney of the
381 Office of the President of the Senate, the Office of the Speaker
382 of the House of Representatives, the Senate Majority Party
383 Office, Senate Minority Party Office, House Majority Party
384 Office, or House Minority Party Office; or any person, hired on
385 a contractual basis, having the power normally conferred upon
386 such persons, by whatever title.

387 (V) The Chancellor and Vice Chancellors of the State
388 University System; the general counsel to the Board of Governors
389 of the State University System; and the president, provost, vice
390 presidents, and deans of each state university.

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

394 b. "Appointed state officer" means any member of an
395 appointive board, commission, committee, council, or authority
396 of the executive or legislative branch of state government whose
397 powers, jurisdiction, and authority are not solely advisory and
398 include the final determination or adjudication of any personal
399 or property rights, duties, or obligations, other than those
400 relative to its internal operations.

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

404 d. "Agency director" means a secretary, as that term is
405 defined in s. 20.03, the chief administrative employee or
406 officer of a department headed by the Governor and the Cabinet,

17-00660A-18

20181534__

407 or the chief administrative employee or officer of any body
408 established or granted legislative or executive authority by the
409 State Constitution, including, but not limited to, the State
410 Board of Education, the Board of Governors of the State
411 University System, the State Board of Administration, and the
412 Fish and Wildlife Conservation Commission, but excluding the
413 Legislature, the judiciary, or any constituent component of
414 either. "Agency director" also includes any person, including an
415 other-personal-services employee, having the power normally
416 conferred upon such secretary, employee, or officer.

417 3.a. No member of the Legislature, appointed state officer,
418 or statewide elected officer shall personally represent another
419 person or entity for compensation before the government body or
420 agency of which the individual was an officer or member for a
421 period of 2 years following vacation of office. No member of the
422 Legislature shall personally represent another person or entity
423 for compensation during his or her term of office before any
424 state agency other than judicial tribunals or in settlement
425 negotiations after the filing of a lawsuit.

426 b. For a period of 2 years following vacation of office, a
427 former member of the Legislature may not act as a lobbyist for
428 compensation before an executive branch agency, agency official,
429 or employee. The terms used in this sub-subparagraph have the
430 same meanings as provided in s. 112.3215.

431 4.a. An agency director who is so employed on or after
432 January 8, 2019, may not personally represent another person or
433 entity for compensation before any state agency other than the
434 Legislature or judicial tribunals or in settlement negotiations
435 after the filing of a lawsuit for a period of 2 years following

17-00660A-18

20181534__

436 vacation of position, except when employed by and representing
437 another state agency.

438 b. An agency employee, including an agency employee who was
439 employed on July 1, 2001, in a Career Service System position
440 that was transferred to the Selected Exempt Service System under
441 chapter 2001-43, Laws of Florida, may not personally represent
442 another person or entity for compensation before the agency with
443 which he or she was employed for a period of 2 years following
444 vacation of position, except when unless employed by and
445 representing another state agency ~~of state government.~~

446 5. Any person violating this paragraph is ~~shall be~~ subject
447 to the penalties provided in s. 112.317 and a civil penalty of
448 an amount equal to the compensation which the person receives
449 for the prohibited conduct.

450 ~~6. This paragraph is not applicable to:~~

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

453 ~~b. A person who was employed by the Legislature or other~~
454 ~~agency on July 1, 1989, whether or not the person was a defined~~
455 ~~employee on July 1, 1989;~~

456 ~~e. A person who was a defined employee of the State~~
457 ~~University System or the Public Service Commission who held such~~
458 ~~employment on December 31, 1994;~~

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

462 ~~e. Any appointed state officer whose term of office began~~
463 ~~before January 1, 1995, unless reappointed to that office on or~~
464 ~~after January 1, 1995.~~

17-00660A-18

20181534__

465 (b) In addition to the provisions of this part which are
466 applicable to legislators and legislative employees by virtue of
467 their being public officers or employees, the conduct of members
468 of the Legislature and legislative employees shall be governed
469 by the ethical standards provided in the respective rules of the
470 Senate or House of Representatives which are not in conflict
471 herewith.

472 (15) ADDITIONAL EXEMPTION.—

473 (a) An ~~Ne~~ elected public officer may not shall be held in
474 violation of subsection (7) if the officer maintains an
475 employment relationship with an entity which is currently a tax-
476 exempt organization under s. 501(c) of the Internal Revenue Code
477 and which contracts with or otherwise enters into a business
478 relationship with the officer's agency and:

479 1. ~~(a)~~ The officer's employment is not directly or
480 indirectly compensated as a result of such contract or business
481 relationship;

482 2. ~~(b)~~ The officer has in no way participated in the
483 agency's decision to contract or to enter into the business
484 relationship with his or her employer, whether by participating
485 in discussion at the meeting, by communicating with officers or
486 employees of the agency, or otherwise; and

487 3. ~~(c)~~ The officer abstains from voting on any matter which
488 may come before the agency involving the officer's employer,
489 publicly states to the assembly the nature of the officer's
490 interest in the matter from which he or she is abstaining, and
491 files a written memorandum as provided in s. 112.3143.

492 (b) This subsection does not apply to an officer who begins
493 his or her term of office on or after January 8, 2019.

17-00660A-18

20181534__

494 Section 8. Subsection (2) of section 112.3142, Florida
495 Statutes, is amended to read:

496 112.3142 Ethics training for specified constitutional
497 officers, ~~and~~ elected municipal officers, and members of a
498 governing board of a special district or water management
499 district.—

500 (2)(a) All constitutional officers must complete 4 hours of
501 ethics training each calendar year which addresses, at a
502 minimum, s. 8, Art. II of the State Constitution, the Code of
503 Ethics for Public Officers and Employees, and the public records
504 and public meetings laws of this state. ~~This requirement may be~~
505 ~~satisfied by completion of a continuing legal education class or~~
506 ~~other continuing professional education class, seminar, or~~
507 ~~presentation if the required subjects are covered.~~

508 (b) ~~Beginning January 1, 2015,~~ All elected municipal
509 officers must complete 4 hours of ethics training each calendar
510 year which addresses, at a minimum, s. 8, Art. II of the State
511 Constitution, the Code of Ethics for Public Officers and
512 Employees, and the public records and public meetings laws of
513 this state. ~~This requirement may be satisfied by completion of a~~
514 ~~continuing legal education class or other continuing~~
515 ~~professional education class, seminar, or presentation if the~~
516 ~~required subjects are covered.~~

517 (c) Beginning January 1, 2019, all members of the governing
518 board of a special district or water management district must
519 complete 4 hours of ethics training each calendar year which
520 addresses, at a minimum, s. 8, Art. II of the State
521 Constitution, the Code of Ethics for Public Officers and
522 Employees, and the public records and public meetings laws of

17-00660A-18

20181534__

523 this state.

524 (d) The requirements specified in paragraphs (a), (b), and
525 (c) may be satisfied by completion of a continuing legal
526 education class or other continuing professional education
527 class, seminar, or presentation, if the required subjects are
528 covered.

529 ~~(e) The commission shall adopt rules establishing minimum~~
530 ~~Course content for the portion of an ethics training class which~~
531 ~~addresses s. 8, Art. II of the State Constitution and the Code~~
532 ~~of Ethics for Public Officers and Employees must include one or~~
533 ~~more of the following:~~

- 534 1. Doing business with one's own agency;
- 535 2. Conflicting employment or contractual relationships;
- 536 3. Misuse of position;
- 537 4. Disclosure or use of certain information;
- 538 5. Gifts and honoraria, including solicitation and
539 acceptance of gifts, and unauthorized compensation;
- 540 6. Post-officeholding restrictions;
- 541 7. Restrictions on the employment of relatives;
- 542 8. Voting conflicts if the officer is a member of a
543 collegial body and votes in his or her official capacity;
- 544 9. Financial disclosure requirements, including the
545 automatic fine and appeal process;
- 546 10. Commission procedures on ethics complaints and
547 referrals; and
- 548 11. The importance of and the process for obtaining
549 advisory opinions rendered by the commission.

550 (f) Training providers are encouraged to seek accreditation
551 from any applicable licensing body for courses offered pursuant

17-00660A-18

20181534__

552 to this subsection.

553 (g)~~(d)~~ The Legislature intends that a constitutional
554 officer, ~~or~~ elected municipal officer, or member of the
555 governing board of a special district or water management
556 district who is required to complete ethics training pursuant to
557 this section receive the required training as close as possible
558 to the date that he or she assumes office. A constitutional
559 officer, ~~or~~ elected municipal officer, or member of the
560 governing board of a special district or water management
561 district assuming a new office or new term of office on or
562 before March 31 must complete the annual training on or before
563 December 31 of the year in which the term of office began. A
564 constitutional officer, ~~or~~ elected municipal officer, or member
565 of the governing board of a special district or water management
566 district assuming a new office or new term of office after March
567 31 is not required to complete ethics training for the calendar
568 year in which the term of office began.

569 Section 9. Subsections (3) and (4) of section 112.3143,
570 Florida Statutes, are amended to read:

571 112.3143 Voting conflicts.—

572 (3) (a) A ~~Ne~~ county, municipal, or other local public
573 officer or governing board member of a special district or
574 school district may not ~~shall~~ vote in an official capacity upon
575 any measure which would inure to his or her special private gain
576 or loss; which he or she knows would inure to the special
577 private gain or loss of any principal by whom he or she is
578 retained or to the parent organization or subsidiary of a
579 corporate principal by which he or she is retained, other than
580 an agency as defined in s. 112.312(2); or which he or she knows

17-00660A-18

20181534__

581 would inure to the special private gain or loss of a relative or
582 business associate of the public officer or board member. Such
583 public officer or board member shall, prior to the vote being
584 taken, publicly state to the assembly the nature of the
585 officer's or member's interest in the matter from which he or
586 she is abstaining from voting and, within 15 days after the vote
587 occurs, disclose the nature of his or her interest as a public
588 record in a memorandum filed with the person responsible for
589 recording the minutes of the meeting, who shall incorporate the
590 memorandum in the minutes.

591 (b) However, a commissioner of a community redevelopment
592 agency created or designated pursuant to s. 163.356 or s.
593 163.357, or an officer of an independent special tax district
594 elected on a one-acre, one-vote basis, is not prohibited from
595 voting, when voting in said capacity.

596 (4) A county, municipal, or other local public officer;
597 governing board member of a special district or school district;
598 or ~~Ne~~ appointed public officer may not shall participate in any
599 matter which would inure to the officer's or member's special
600 private gain or loss; which the officer or member knows would
601 inure to the special private gain or loss of any principal by
602 whom he or she is retained or to the parent organization or
603 subsidiary of a corporate principal by which he or she is
604 retained; or which he or she knows would inure to the special
605 private gain or loss of a relative or business associate of the
606 public officer or board member, without first disclosing the
607 nature of his or her interest in the matter.

608 (a) Such disclosure, indicating the nature of the conflict,
609 shall be made in a written memorandum filed with the person

17-00660A-18

20181534__

610 responsible for recording the minutes of the meeting, prior to
611 the meeting in which consideration of the matter will take
612 place, and shall be incorporated into the minutes. Any such
613 memorandum shall become a public record upon filing, shall
614 immediately be provided to the other members of the agency, and
615 shall be read publicly at the next meeting held subsequent to
616 the filing of this written memorandum.

617 (b) In the event that disclosure has not been made prior to
618 the meeting or that any conflict is unknown prior to the
619 meeting, the disclosure shall be made orally at the meeting when
620 it becomes known that a conflict exists. A written memorandum
621 disclosing the nature of the conflict shall then be filed within
622 15 days after the oral disclosure with the person responsible
623 for recording the minutes of the meeting and shall be
624 incorporated into the minutes of the meeting at which the oral
625 disclosure was made. Any such memorandum shall become a public
626 record upon filing, shall immediately be provided to the other
627 members of the agency, and shall be read publicly at the next
628 meeting held subsequent to the filing of this written
629 memorandum.

630 (c) For purposes of this subsection, the term "participate"
631 means any attempt to influence the decision by oral or written
632 communication, whether made by the officer or member or at the
633 officer's or member's direction.

634 Section 10. Subsections (1) and (2) and paragraph (c) of
635 subsection (8) of section 112.3144, Florida Statutes, are
636 amended to read:

637 112.3144 Full and public disclosure of financial
638 interests.-

17-00660A-18

20181534__

639 (1) (a) An officer or a member who is required by ~~s. 8, Art.~~
640 ~~II of the State Constitution~~ to file a full and public
641 disclosure of ~~his or her~~ financial interests for any calendar or
642 fiscal year shall file that disclosure with the ~~Florida~~
643 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
644 ~~an officer who is required to complete annual ethics training~~
645 ~~pursuant to s. 112.3142 must certify on his or her full and~~
646 ~~public disclosure of financial interests that he or she has~~
647 ~~completed the required training.~~

648 (b) Each elected mayor and member of the governing body of
649 a municipality that had \$10 million or more in total revenue for
650 the 3 consecutive fiscal years ending prior to the year the
651 disclosure covers shall file a full and public disclosure of
652 financial interests with the Commission on Ethics. Each elected
653 mayor and member of the governing body of such municipality
654 shall continue to file a full and public disclosure until the
655 municipality has less than \$10 million in total revenue for 3
656 consecutive fiscal years. For purposes of this paragraph, the
657 verified report that the Department of Financial Services files
658 with the Commission on Ethics in accordance with s. 218.32(3)
659 shall be the sole basis for determining whether a municipality
660 has \$10 million or more in total revenue, except that a
661 municipality that has not had its annual financial report
662 certified in accordance with s. 218.32 on or before November 30
663 of the year in which it is due shall be considered to have \$10
664 million or more in total revenue for such year. If an
665 uncertified report is subsequently certified by the Department
666 of Financial Services, the certified report shall be used in any
667 disclosure period beginning after the report is certified.

17-00660A-18

20181534__

668 (c) An officer or a member who is required to complete
669 annual ethics training pursuant to s. 112.3142 must certify on
670 his or her full and public disclosure of financial interests
671 that he or she has completed the required training.

672 Additionally, beginning January 1, 2019, an officer or a member
673 who is required to complete annual ethics training pursuant to
674 s. 112.3142 must provide the name of the training provider on
675 his or her full and public disclosure of financial interests.

676 (2) An officer or a member ~~a person~~ who is required,
677 ~~pursuant to s. 8, Art. II of the State Constitution,~~ to file a
678 full and public disclosure of financial interests and who has
679 filed a full and public disclosure of financial interests for
680 any calendar or fiscal year is ~~shall~~ not ~~be~~ required to file a
681 statement of financial interests pursuant to s. 112.3145(2) and
682 (3) for the same year or for any part thereof notwithstanding
683 any requirement of this part. If an incumbent in an elective
684 office has filed the full and public disclosure of financial
685 interests to qualify for election to the same office or if a
686 candidate for office holds another office subject to the annual
687 filing requirement, the qualifying officer shall forward an
688 electronic copy of the full and public disclosure of financial
689 interests to the commission no later than July 1. The electronic
690 copy of the full and public disclosure of financial interests
691 satisfies the annual disclosure requirement of this section. A
692 candidate who does not qualify until after the annual full and
693 public disclosure of financial interests has been filed pursuant
694 to this section shall file a copy of his or her disclosure with
695 the officer before whom he or she qualifies.

696 (8)

17-00660A-18

20181534__

697 (c) For purposes of this section, an error or omission is
698 immaterial, inconsequential, or de minimis if the original
699 filing provided sufficient information for the public to
700 identify potential conflicts of interest. However, failure to
701 certify completion of annual ethics training required under s.
702 112.3142 or provide the name of the training provider does not
703 constitute an immaterial, inconsequential, or de minimis error
704 or omission.

705 Section 11. Subsection (4) and paragraph (c) of subsection
706 (10) of section 112.3145, Florida Statutes, are amended to read:

707 112.3145 Disclosure of financial interests and clients
708 represented before agencies.—

709 (4) ~~Beginning January 1, 2015,~~ An officer who is required
710 to complete annual ethics training pursuant to s. 112.3142 must
711 certify on his or her statement of financial interests that he
712 or she has completed the required training. Beginning January 1,
713 2019, an officer or a member who is required to complete annual
714 ethics training pursuant to s. 112.3142 must provide the name of
715 the training provider on his or her statement of financial
716 interests.

717 (10)

718 (c) For purposes of this section, an error or omission is
719 immaterial, inconsequential, or de minimis if the original
720 filing provided sufficient information for the public to
721 identify potential conflicts of interest. However, failure to
722 certify completion of annual ethics training required under s.
723 112.3142 or provide the name of the training provider does not
724 constitute an immaterial, inconsequential, or de minimis error
725 or omission.

17-00660A-18

20181534__

726 Section 12. The amendments made by this act to ss. 112.3144
727 and 112.3145, Florida Statutes, apply to disclosures filed for
728 the 2018 calendar year and all subsequent calendar years.

729 Section 13. Subsection (1) of section 112.31455, Florida
730 Statutes, is amended to read:

731 112.31455 Collection methods for unpaid automatic fines for
732 failure to timely file disclosure of financial interests.—

733 (1) Before referring any unpaid fine accrued pursuant to s.
734 112.3144(5) or s. 112.3145(7) to the Department of Financial
735 Services, the commission shall attempt to determine whether the
736 individual owing such a fine is a current public officer or
737 current public employee. If so, the commission may notify the
738 Chief Financial Officer or the governing body of the appropriate
739 county, municipality, school district, or special district of
740 the total amount of any fine owed to the commission by such
741 individual.

742 (a) After receipt and verification of the notice from the
743 commission, the Chief Financial Officer or the governing body of
744 the county, municipality, school district, or special district
745 shall begin withholding the lesser of 10 percent or the maximum
746 amount allowed under federal law from any salary-related
747 payment. The withheld payments shall be remitted to the
748 commission until the fine is satisfied.

749 (b) The Chief Financial Officer or the governing body of
750 the county, municipality, school district, or special district
751 may retain an amount of each withheld payment, as provided in s.
752 77.0305, to cover the administrative costs incurred under this
753 section.

754 Section 14. Effective October 1, 2019, paragraph (b) of

17-00660A-18

20181534__

755 subsection (2) of section 112.3148, Florida Statutes, is amended
756 to read:

757 112.3148 Reporting and prohibited receipt of gifts by
758 individuals filing full or limited public disclosure of
759 financial interests and by procurement employees.—

760 (2) As used in this section:

761 (b)1. "Lobbyist" means any natural person who, for
762 compensation, seeks, or sought during the preceding 12 months,
763 to influence the governmental decisionmaking of a reporting
764 individual or procurement employee or his or her agency or
765 seeks, or sought during the preceding 12 months, to encourage
766 the passage, defeat, or modification of any proposal or
767 recommendation by the reporting individual or procurement
768 employee or his or her agency.

769 2. With respect to an agency that is a governmental entity
770 as defined in s. 112.3262 ~~has established by rule, ordinance, or~~
771 ~~law a registration process for persons seeking to influence~~
772 ~~decisionmaking or to encourage the passage, defeat, or~~
773 ~~modification of any proposal or recommendation by such agency or~~
774 ~~an employee or official of the agency, the term "lobbyist"~~
775 includes only a person who is required to be registered as a
776 lobbyist in accordance with s. 112.3262 ~~such rule, ordinance, or~~
777 ~~law~~ or who was during the preceding 12 months required to be
778 registered as a lobbyist in accordance with such ~~rule,~~
779 ~~ordinance, or law. At a minimum, such a registration system must~~
780 ~~require the registration of, or must designate, persons as~~
781 ~~"lobbyists" who engage in the same activities as require~~
782 ~~registration to lobby the Legislature pursuant to s. 11.045.~~

783 Section 15. Section 112.3181, Florida Statutes, is created

17-00660A-18

20181534__

784 to read:

785 112.3181 Additional standards for statewide elected
786 officers and legislators.-

787 (1) A statewide elected officer or member of the
788 Legislature may not solicit an employment offer or investment
789 advice arising out of official or political activities engaged
790 in while he or she is an officer or a legislator or a candidate
791 for such office, except in the following circumstances:

792 (a) The officer or legislator may solicit or accept future
793 employment, including professional partnerships, in the last 180
794 days of his or her term of office if he or she is ineligible to
795 run for reelection or has publicly announced, and filed a letter
796 or other written notice with the qualifying officer with whom
797 reelection qualification papers are filed, that he or she is not
798 and does not intend to become a candidate for reelection.

799 (b) The officer or legislator may solicit or accept
800 employment from any prospective employer in a profession or
801 occupation in which he or she has formerly engaged, has been
802 formally educated or trained, or is licensed, unless such
803 employment is prohibited by other general law.

804 (2) A statewide elected officer or member of the
805 Legislature may not solicit or accept investment advice from or
806 solicit or enter into an investment, joint venture, or other
807 profitmaking relationship with a lobbyist or principal, as those
808 terms are defined in s. 11.045 or s. 112.3215. However, the
809 officer or legislator may buy or sell listed, publicly traded
810 securities of a principal without the advice of a lobbyist or
811 principal unless such action violates s. 112.313. For purposes
812 of this section, the term "investment, joint venture, or other

17-00660A-18

20181534__

813 profitmaking relationship" does not include an employment
814 relationship or any enterprise organized to employ or engage the
815 personal services of individuals including the officer or
816 legislator. For purposes of this section, the terms "investment
817 advice" and "profitmaking relationship" do not include a client
818 relationship with a licensed investment broker, licensed
819 investment advisor, or similarly licensed professional to whom
820 the officer or legislator pays ordinary and reasonable fees for
821 services, regardless of such broker's, advisor's, or
822 professional's status as a lobbyist's principal or a nonlobbyist
823 employee of such principal.

824 (3) A lobbyist or principal who receives a solicitation
825 prohibited by this section by or on behalf of a statewide
826 elected officer or member of the Legislature must disclose such
827 solicitation to the commission. Any other person who receives
828 such solicitation may disclose such solicitation to the
829 commission. The commission may investigate any disclosure under
830 this subsection as if it were a valid complaint under this part.

831 (4) (a) A statewide elected officer or a member of the
832 Legislature must file a written disclosure with the commission
833 upon acceptance of the following:

834 1. Any new employment with or increased compensation from
835 an entity that receives state funds directly by appropriation;

836 2. Any new employment with or increased compensation from
837 an agency;

838 3. Any new employment the offer of which arose out of
839 official or political activities engaged in while he or she was
840 a statewide elected officer, a member of the Legislature, or a
841 candidate for such office; or

17-00660A-18

20181534__

842 4. Any new employment with or increased compensation from a
843 lobbyist, a principal of a lobbyist, or a lobbying firm.

844 (b) The disclosure must identify the applicable
845 subparagraph of paragraph (a), employer, position, salary or
846 other compensation, and effective date of employment or
847 increased compensation. Such disclosure must be filed within 30
848 days after he or she accepts the employment or increased
849 compensation or before the effective date of employment or
850 increased compensation, whichever date is earliest. With respect
851 to employment or increased compensation accepted or effective
852 between December 31, 2017, and July 1, 2018, the officer or
853 legislator must file such disclosure within 30 days after July
854 1, 2018. The commission shall publish such disclosures with the
855 officer's or legislator's full financial disclosure on its
856 website. The commission may adopt forms for disclosure and may
857 adopt rules requiring electronic submission of the disclosure
858 required by this subsection.

859 Section 16. Present subsections (7) and (8) of section
860 112.3185, Florida Statutes, are renumbered as subsections (8)
861 and (9), respectively, present subsections (1) and (8) are
862 amended, and a new subsection (7) is added to that section, to
863 read:

864 112.3185 Additional standards for state officers and agency
865 employees.—

866 (1) For the purposes of this section:

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

869 (b) "Agency" means any state officer, department, board,
870 commission, or council of the executive, legislative, or

17-00660A-18

20181534__

871 judicial branch of state government and includes the Public
872 Service Commission.

873 (c) "Covered officer" means a state officer who is serving
874 in a position that is not an elective position. The term does
875 not include a person who is appointed to fill an unexpired term
876 of an elective office.

877 (d) "Negotiate" or "negotiation" means a response to an
878 offer or solicitation of offers of an employment or contractual
879 relationship, including the submission of a resume, an
880 application, or any other information demonstrating interest on
881 the part of a prospective employee and interviewing or engaging
882 in other communication intended to lead to an offer or
883 acceptance of an employment or contractual relationship.

884 (e) "Reporting employee" means any agency employee who is a
885 reporting individual or procurement employee, as those terms are
886 defined in s. 112.3148.

887 (f) "Restricted employer," with respect to any state
888 officer or agency employee, means any entity that does business
889 with or is subject to regulation by an agency employing the
890 covered officer or reporting employee and any person or entity
891 from whom the covered officer or reporting employee may not
892 solicit a gift under s. 112.3148(3).

893 (g) "Subject to regulation by an agency" means subject to
894 regulation by agency action as defined in s. 120.52(2) or its
895 substantial equivalent. The term does not include regulatory
896 power exercised strictly through the enactment of general laws.

897 (7) A covered officer or reporting employee who is employed
898 in such position on or after January 8, 2019, may not solicit an
899 employment or contractual relationship from or negotiate an

17-00660A-18

20181534__

900 employment or contractual relationship with a restricted
901 employer except as provided in this subsection.

902 (a) A covered officer or reporting employee may solicit a
903 future employment or contractual relationship from or negotiate
904 a future employment or contractual relationship with a
905 restricted employer within 90 days before the expiration of the
906 officer's term of office, if the officer does not seek
907 reappointment, or within 90 days before the officer's or
908 employee's termination or retirement date, if he or she provides
909 notice of termination or retirement to the head of his or her
910 agency, the general counsel or inspector general of his or her
911 agency, or any other officer or attorney designated by the head
912 of his or her agency.

913 (b) If a covered officer or reporting employee has been
914 notified by his or her appointing authority or employing agency
915 that he or she will be discharged from office or dismissed or
916 terminated from employment, he or she may solicit a future
917 employment or contractual relationship from or negotiate a
918 future employment or contractual relationship with a restricted
919 employer at any time after such notice but not sooner than 180
920 days before his or her employment is scheduled to end.

921 (c) A covered officer or reporting employee must disclose
922 to the head of his or her agency, the general counsel or
923 inspector general of his or her agency, or any other officer or
924 attorney designated by the head of his or her agency any offer
925 from a restricted employer of an employment or contractual
926 relationship. After such disclosure, a covered officer or
927 reporting employee may negotiate an employment or contractual
928 relationship with the restricted employer if expressly

17-00660A-18

20181534__

929 authorized by the head of his or her agency or the agency head's
930 authorized designee. Permission may be withheld only if the
931 agency head or his or her authorized designee determines such
932 negotiation poses an actual or potential conflict with the
933 interests of the state or the agency.

934 (d) This subsection does not authorize any employment or
935 contractual relationship solicitation otherwise prohibited by
936 general law.

937 (9)~~(8)~~ Subsections (1) through (6) of this section do not
938 apply ~~is not applicable~~ to any employee of the Public Service
939 Commission who was so employed on or before December 31, 1994,
940 unless so employed on or after January 8, 2019.

941 Section 17. Subsection (2), paragraph (e) of subsection
942 (3), and paragraph (b) of subsection (5) of section 112.3187,
943 Florida Statutes, are amended to read:

944 112.3187 Adverse action against employee for disclosing
945 information of specified nature prohibited; employee remedy and
946 relief.—

947 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
948 to prevent agencies or independent contractors from taking
949 retaliatory action against an employee who reports to an
950 appropriate agency violations of law on the part of a public
951 employer or independent contractor that create a substantial and
952 specific danger to the public's health, safety, or welfare. It
953 is further the intent of the Legislature to prevent agencies or
954 independent contractors from taking retaliatory action against
955 any person who discloses information to an appropriate agency
956 alleging improper use of governmental office, ~~gross~~ waste of
957 funds, or any other abuse or ~~gross~~ neglect of duty on the part

17-00660A-18

20181534__

958 of an agency, public officer, or employee.

959 (3) DEFINITIONS.—As used in this act, unless otherwise
960 specified, the following words or terms shall have the meanings
961 indicated:

962 (e) "~~Gross~~ Mismanagement" means a continuous or repeated
963 pattern of neglect of managerial duty, managerial abuses,
964 wrongful or arbitrary and capricious actions, or deceptive,
965 fraudulent, or criminal conduct which may have a substantial
966 adverse economic impact.

967 (5) NATURE OF INFORMATION DISCLOSED.—The information
968 disclosed under this section must include:

969 (b) Any act or suspected act of ~~gross~~ mismanagement,
970 malfeasance, misfeasance, ~~gross~~ waste of public funds, suspected
971 or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty
972 committed by an employee or agent of an agency or independent
973 contractor.

974 Section 18. Paragraphs (a), (f), and (h) of subsection (1),
975 subsections (3) and (4), paragraph (a) of subsection (5), and
976 subsections (7) and (8) of section 112.3215, Florida Statutes,
977 are amended, and subsection (15) of that section is reenacted,
978 to read:

979 112.3215 Lobbying before the executive branch or the
980 Constitution Revision Commission; registration and reporting;
981 investigation by commission.—

982 (1) For the purposes of this section:

983 (a) "Agency" means the Governor; the Governor and
984 Cabinet; ~~or~~ any department, division, bureau, board,
985 commission, or authority of the executive branch; the State
986 Board of Education; or the Board of Governors of the State

17-00660A-18

20181534__

987 University System. In addition, "agency" means ~~shall mean~~ the
988 Constitution Revision Commission as provided by s. 2, Art. XI of
989 the State Constitution.

990 (f) "Lobbying" ~~"Lobbies"~~ means seeking, on behalf of
991 another person, to influence an agency with respect to a
992 decision of the agency in the area of policy or procurement or
993 an attempt to obtain the goodwill of an agency official or
994 employee. "Lobbying" ~~"Lobbies"~~ also means influencing or
995 attempting to influence, on behalf of another, the Constitution
996 Revision Commission's action or nonaction through oral or
997 written communication or an attempt to obtain the goodwill of a
998 member or employee of the Constitution Revision Commission.

999 (h) "Lobbyist" means a person who is employed and receives
1000 payment, or who contracts for economic consideration, for the
1001 purpose of lobbying, or a person who is principally employed for
1002 governmental affairs by another person or governmental entity to
1003 lobby on behalf of that other person or governmental entity. The
1004 term "principally employed for governmental affairs" means that
1005 one of the principal or most significant responsibilities of the
1006 employee to the employer is overseeing the employer's various
1007 relationships with government or representing the employer in
1008 its contacts with government. "Lobbyist" does not include a
1009 person who is:

1010 1. An attorney, or any person, who represents a client in a
1011 judicial proceeding or in a formal administrative proceeding
1012 conducted pursuant to chapter 120 or any other formal hearing
1013 before an agency, board, commission, or authority of this state.

1014 2. An officer or employee of an agency, ~~or of~~ a legislative
1015 or judicial branch entity, or a political subdivision of this

17-00660A-18

20181534__

1016 state acting in the normal course of his or her office or
1017 duties.

1018 3. A confidential informant who is providing, or wishes to
1019 provide, confidential information to be used for law enforcement
1020 purposes.

1021 4. A person who seeks ~~lobbies~~ to procure a contract
1022 pursuant to chapter 287 which contract is less than the
1023 threshold for CATEGORY ONE as provided in s. 287.017.

1024 (3) A person may not lobby an agency until such person has
1025 electronically registered as a lobbyist with the commission.
1026 Such registration shall be due upon initially being retained to
1027 lobby and is renewable on a calendar year basis thereafter. The
1028 commission shall request authorization from the principal with
1029 the principal's name, business address, e-mail address, and
1030 telephone number to confirm that the registrant is authorized to
1031 represent the principal. ~~Upon registration the person shall~~
1032 ~~provide a statement signed by the principal or principal's~~
1033 ~~representative that the registrant is authorized to represent~~
1034 ~~the principal.~~ The principal or principal's representative shall
1035 also identify and designate its main business pursuant to the
1036 North American Industry Classification System (NAICS) six-digit
1037 numerical code that most accurately describes the principal's
1038 main business. Registration is not complete until the commission
1039 receives the principal's authorization and the registration fee
1040 ~~on the statement authorizing that lobbyist pursuant to a~~
1041 ~~classification system approved by the commission.~~ The
1042 registration shall require each lobbyist to attest to ~~disclose,~~
1043 ~~under oath,~~ the following information:

1044 (a) Full legal name, e-mail address, telephone number, Name

17-00660A-18

20181534__

1045 and business address;

1046 (b) The full name, e-mail address, telephone number, and
1047 business address of each principal represented;

1048 (c) ~~His or her area of interest;~~

1049 ~~(d)~~ The agencies before which he or she will appear; and

1050 (d) ~~(e)~~ The existence of any direct or indirect business
1051 association, partnership, or financial relationship with any
1052 employee of an agency with which he or she lobbies, or intends
1053 to lobby, as disclosed in the registration.

1054 (4) The annual lobbyist registration fee shall be set by
1055 the commission by rule, not to exceed \$20 ~~\$40~~ for each principal
1056 represented plus, for each principal, a fee not to exceed \$5 for
1057 each agency after the first.

1058 (5) (a) 1. Each lobbying firm shall file a compensation
1059 report with the commission for each calendar quarter during any
1060 portion of which one or more of the firm's lobbyists were
1061 registered to represent a principal. The report shall include
1062 the:

1063 a. Full name, e-mail address, business address, and
1064 telephone number of the lobbying firm;

1065 b. Name of each of the firm's lobbyists; and

1066 c. Total compensation provided or owed to the lobbying firm
1067 from all principals for the reporting period, reported in one of
1068 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;
1069 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
1070 \$999,999; \$1 million or more.

1071 2. For each principal represented by one or more of the
1072 firm's lobbyists, the lobbying firm's compensation report shall
1073 also include the:

17-00660A-18

20181534__

1074 a. Full name, e-mail address, business address, and
1075 telephone number of the principal; and

1076 b. Total compensation provided or owed to the lobbying firm
1077 for the reporting period, reported in one of the following
1078 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to
1079 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or
1080 more. If the category "\$50,000 or more" is selected, the
1081 specific dollar amount of compensation must be reported, rounded
1082 up or down to the nearest \$1,000.

1083 3. If the lobbying firm subcontracts work from another
1084 lobbying firm and not from the original principal:

1085 a. The lobbying firm providing the work to be subcontracted
1086 shall be treated as the reporting lobbying firm's principal for
1087 reporting purposes under this paragraph; and

1088 b. The reporting lobbying firm shall, for each lobbying
1089 firm identified under subparagraph 2., identify the name and
1090 address of the principal originating the lobbying work.

1091 4. The senior partner, officer, or owner of the lobbying
1092 firm shall certify to the veracity and completeness of the
1093 information submitted pursuant to this paragraph.

1094 (7) A lobbyist shall promptly send a written statement to
1095 the commission canceling the designation of ~~registration for~~ a
1096 principal in his or her registration upon termination of such
1097 ~~the lobbyist's representation of that principal.~~ The commission
1098 may cancel a lobbyist's designation of a principal upon the
1099 principal's notification that the lobbyist is no longer
1100 authorized to represent the principal ~~Notwithstanding this~~
1101 ~~requirement, the commission may remove the name of a lobbyist~~
1102 ~~from the list of registered lobbyists if the principal notifies~~

17-00660A-18

20181534__

1103 ~~the office that a person is no longer authorized to represent~~
1104 ~~that principal.~~

1105 (8) (a) The commission shall investigate every sworn
1106 complaint that is filed with it alleging that a person covered
1107 by this section has failed to register, has failed to submit a
1108 compensation report, has made a prohibited expenditure, or has
1109 knowingly submitted false information in any report or
1110 registration required in this section.

1111 (b) All proceedings, the complaint, and other records
1112 relating to the investigation are confidential and exempt from
1113 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1114 Constitution, and any meetings held pursuant to an investigation
1115 are exempt from the provisions of s. 286.011(1) and s. 24(b),
1116 Art. I of the State Constitution either until the alleged
1117 violator requests in writing that such investigation and
1118 associated records and meetings be made public or until the
1119 commission determines, based on the investigation, whether
1120 probable cause exists to believe that a violation has occurred.

1121 (c) The commission shall investigate any lobbying firm,
1122 lobbyist, principal, agency, officer, or employee upon receipt
1123 of information from a sworn complaint or from a random audit of
1124 lobbying reports indicating that the individual or entity has
1125 intentionally failed to disclose any material fact or has
1126 knowingly submitted false information in any report required by
1127 this section or by rules adopted pursuant to this section ~~a~~
1128 ~~possible violation other than a late-filed report.~~

1129 (d) Notwithstanding paragraphs (a)-(c), the commission may
1130 dismiss any complaint or investigation resulting from a random
1131 audit of lobbying reports, at any stage of disposition, if it

17-00660A-18

20181534__

1132 determines that the public interest is not served by proceeding
1133 further, in which case the commission must issue a public report
1134 stating with particularity its reasons for the dismissal.

1135 (e)1. Records relating to an audit conducted pursuant to
1136 this section or an investigation conducted pursuant to this
1137 section or s. 112.32155 are confidential and exempt from s.
1138 119.07(1) and s. 24(a), Art. I of the State Constitution.

1139 2. Any portion of a meeting wherein such investigation or
1140 audit is discussed is exempt from s. 286.011 and s. 24(b), Art.
1141 I of the State Constitution.

1142 3. The exemptions no longer apply if the lobbying firm
1143 requests in writing that such investigation and associated
1144 records and meetings be made public or the commission determines
1145 there is probable cause that the audit reflects a violation of
1146 the reporting laws.

1147 (15) The commission shall adopt rules to administer this
1148 section, which shall prescribe forms for registration and
1149 compensation reports, procedures for registration, and
1150 procedures that will prevent disclosure of information that is
1151 confidential as provided in this section.

1152 Section 19. Effective October 1, 2019, section 112.3261,
1153 Florida Statutes, is repealed.

1154 Section 20. Section 112.3262, Florida Statutes, is created
1155 to read:

1156 112.3262 Lobbying before governmental entities.-

1157 (1) As used in this section, the term:

1158 (a) "Governmental entity" or "entity" means a water
1159 management district created in s. 373.069 and operating under
1160 the authority of chapter 373, a hospital district, a children's

17-00660A-18

20181534__

1161 services district, an authority as that term is defined in s.
1162 348.0002, a port authority as defined in s. 315.02, a county, a
1163 municipality, a school district, or a special district.

1164 (b) "Lobbying" means seeking, on behalf of another person,
1165 to influence a governmental entity with respect to a decision of
1166 the entity in an area of policy or procurement or an attempt to
1167 obtain the goodwill of an official or employee of a governmental
1168 entity. The term does not include representing a client in any
1169 stage of applying for or seeking approval of an application for
1170 a license, permit, or waiver of a regulation or other
1171 administrative action, or opposition to such action, provided
1172 such action does not require legislative discretion and is
1173 subject to judicial review by petitioning for writ of
1174 certiorari.

1175 (c) "Lobbyist" means a person who is employed and receives
1176 payment, or who contracts for economic consideration, for the
1177 purpose of lobbying, or a person who is principally employed for
1178 governmental affairs by another person or governmental entity to
1179 lobby on behalf of such person or governmental entity. The term
1180 does not include a person who:

1181 1. Represents a client in a judicial proceeding or in a
1182 formal administrative proceeding before a governmental entity.

1183 2. Is an officer or employee of an agency acting in the
1184 normal course of his or her duties.

1185 3. Consults under contract with the governmental entity and
1186 communicates with the entity's governing body, or an employee of
1187 the governing body, regarding issues related to the scope of
1188 services in his or her contract.

1189 4. Is an employee, officer, or board member of a

17-00660A-18

20181534__

1190 homeowners' association, condominium association, or
1191 neighborhood association when addressing, in his or her capacity
1192 as an employee, officer, or board member of such association, an
1193 issue impacting the association or its members.

1194 5. Is a confidential informant who is providing, or wishes
1195 to provide, confidential information to be used for law
1196 enforcement purposes.

1197 6. Is an expert witness who is retained or employed by an
1198 employer, principal, or client to provide only scientific,
1199 technical, or other specialized information provided in agenda
1200 materials or testimony only in public hearings, provided the
1201 expert identifies such employer, principal, or client at such
1202 hearing.

1203 7. Seeks to procure a contract the value of which is less
1204 than \$20,000 or a contract procured pursuant to s. 287.056.

1205 (d) "Principal" has the same meaning as in s. 112.3215.

1206 (e) "Principally employed for governmental affairs" means
1207 that one of the employee's principal or most significant
1208 responsibilities to the employer is overseeing the employer's
1209 various governmental relationships or representing the employer
1210 in its contacts made with an officer or employee of a
1211 governmental entity.

1212 (2) The Commission on Ethics shall create the Local
1213 Government Lobbyist Registration System to register lobbyists
1214 who wish to lobby governmental entities in accordance with this
1215 section. Beginning October 1, 2019, any governmental entity rule
1216 or ordinance that requires lobbyist registration is preempted
1217 and replaced by the registration system established by this
1218 subsection. However, in accordance with s. 112.326, a

17-00660A-18

20181534__

1219 governmental entity may adopt a rule or ordinance to regulate
1220 lobbyist conduct and may require compensation reporting,
1221 disclosure of contacts made with an officer or employee of a
1222 governmental entity, or any other activity related to lobbyist
1223 conduct, other than registration. A governmental entity may not
1224 charge a fee for registration of lobbyists and principals, and a
1225 fee may not be charged in the enforcement of lobbyist regulation
1226 except as may be reasonable and necessary to cover the cost of
1227 such enforcement.

1228 (3) Beginning October 1, 2019, a person may not lobby a
1229 governmental entity until such person has electronically
1230 registered as a lobbyist with the commission. Such initial
1231 registration shall be due upon being retained to lobby and is
1232 renewable annually on the anniversary of the lobbyist's
1233 registration or in the month of the lobbyist's birth as selected
1234 by the lobbyist at the time of registration. The commission
1235 shall request authorization from the principal using the
1236 principal's name, business address, e-mail address, and
1237 telephone number to confirm that the registrant is authorized to
1238 represent the principal. The principal or principal's
1239 representative shall identify and designate its main business
1240 using the North American Industry Classification System (NAICS)
1241 six-digit numerical code that most accurately describes its main
1242 business. Registration is incomplete until the commission
1243 receives the principal's authorization and the lobbyist's
1244 registration fee. Any change in the information required by this
1245 subsection must be disclosed within 15 days after such change
1246 occurs by the lobbyist updating his or her registration. The
1247 commission may require separate registration submissions for

17-00660A-18

20181534__

1248 each county and multi-county governmental entity, but each
1249 submission may include, without an additional fee, any
1250 governmental entity in the county for which the submission is
1251 made. A person required to register as a lobbyist under this
1252 subsection must register through the electronic system and must
1253 attest to the following:

1254 (a) His or her full legal name, birth month, e-mail
1255 address, telephone number, and business address.

1256 (b) The name, e-mail address, telephone number, and
1257 business address of each principal.

1258 (c) The name of each governmental entity lobbied or
1259 intended to be lobbied on behalf of the principal.

1260 (d) Any direct or indirect business association,
1261 partnership, or financial relationship with an official or
1262 employee of a governmental entity lobbied or intended to be
1263 lobbied on behalf of the principal.

1264 (4) The annual lobbyist registration fee shall be
1265 established by commission rule but may not exceed \$20 for each
1266 principal represented for one county and governmental entities
1267 therein or one multi-county governmental entity and may not
1268 exceed \$5 for each additional county and governmental entities
1269 therein or additional multi-county governmental entities.

1270 (5) The commission shall publish a lobbyist directory of
1271 all lobbyist registrations on the Internet.

1272 (6) A lobbyist shall promptly provide a written statement
1273 to the commission canceling the designation of a principal in
1274 his or her registration upon termination of such representation.
1275 The commission may cancel a lobbyist's designation of a
1276 principal upon the principal's notification that the lobbyist is

17-00660A-18

20181534__

1277 no longer authorized to represent such principal.

1278 (7) A governmental entity must use reasonable efforts to
1279 ascertain whether a lobbyist has registered pursuant to this
1280 section. A governmental entity may not knowingly authorize an
1281 unregistered lobbyist to lobby the entity.

1282 (8) (a) Except as provided in subsection (9), the commission
1283 shall investigate every sworn complaint that is filed with it
1284 alleging that a person covered by this section has failed to
1285 register or has knowingly submitted false information in any
1286 registration required in this section.

1287 (b) If the commission finds no probable cause to believe
1288 that a violation of this section occurred, it shall dismiss the
1289 complaint and send a copy of the complaint, findings, and
1290 summary to the complainant and the alleged violator. If the
1291 commission finds probable cause to believe that a violation of
1292 this section occurred, it shall report the results of its
1293 investigation to the Governor and send, by certified mail, a
1294 copy of the report to the alleged violator. Upon request
1295 submitted to the Governor in writing, a person whom the
1296 commission finds probable cause to believe has violated this
1297 section shall be entitled to a public hearing. Such person shall
1298 be deemed to have waived the right to a public hearing if the
1299 request is not received within 14 days after a copy of the
1300 report is mailed. However, the Governor may require a public
1301 hearing and may conduct such further investigation as he or she
1302 deems necessary.

1303 (c) If the Governor finds that a violation occurred, he or
1304 she may reprimand or censure the violator or assess a civil
1305 penalty against the violator in accordance with this section.

17-00660A-18

20181534__

1306 (d) Upon discovery of a violation of this section, a person
1307 or governmental entity may file a sworn complaint with the
1308 commission.

1309 (9) (a) Upon a first complaint to the commission alleging a
1310 violation of subsection (3) by a lobbyist, or upon any complaint
1311 against a lobbyist received before January 1, 2020, the
1312 commission shall, within 30 days after receipt of the complaint,
1313 issue a warning letter to the lobbyist directing him or her to
1314 consult the obligations of lobbyists under this section and
1315 dismiss the complaint.

1316 (b) On or after January 1, 2020, notwithstanding the civil
1317 penalties provided in s. 112.317, a lobbyist found by the
1318 commission to have violated subsection (3) is subject to:

1319 1. For a first violation, a civil penalty not to exceed
1320 \$500.

1321 2. For a second or subsequent violation committed within 12
1322 months after the Governor determines that a first violation has
1323 been committed, a civil penalty of at least \$200 but not more
1324 than \$1000 or a 1-year suspension from lobbying any governmental
1325 entity associated with the violation. A governmental entity may
1326 impose additional civil penalties not to exceed \$500 per
1327 violation, and notwithstanding paragraph (c), may suspend the
1328 lobbyist from lobbying the governmental entity and its agencies
1329 on behalf of any principal for up to 2 years.

1330 (c) The civil penalties and suspensions provided in this
1331 subsection shall be applied on a per-principal basis with
1332 suspensions affecting only those principals for whom
1333 unregistered lobbying occurred.

1334 (10) By January 1, 2019, a governmental entity's governing

17-00660A-18

20181534

1335 body, or the entity's designee, shall notify the commission of
1336 any ordinance or rule that imposes additional or more stringent
1337 obligations with respect to lobbyist compensation reporting, or
1338 other conduct involving lobbying activities, and shall forward
1339 to the commission a copy of any associated form that has been
1340 established to facilitate compliance with such ordinance or
1341 rule. Beginning January 1, 2019, each governmental entity is
1342 encouraged to conform its lobbyist registration system, if any,
1343 to accommodate regular digital distribution of lobbyist
1344 registration data from the commission so that initial
1345 registration of a lobbyist pursuant to subsection (3) is
1346 accomplished without having to supply the lobbyist and principal
1347 information to more than one lobbyist registration system. The
1348 commission shall cooperate to the extent reasonably practicable
1349 to ensure such coordination of information.

1350 (11) The commission may adopt rules to establish procedures
1351 to administer the Local Government Lobbyist Registration System,
1352 including the staggering of registration renewal dates based on
1353 the anniversary of the lobbyist's registration or the month of
1354 the lobbyist's birth, as selected by the lobbyist at the time of
1355 registration, the adoption of forms, the method of registering
1356 specific entities lobbied, the exchange of information with
1357 local governmental entities, and the establishment of fees
1358 authorized in this section.

1359 (12) A person, when in doubt about the applicability and
1360 interpretation of this section, may submit in writing to the
1361 commission the facts of the situation with a request for an
1362 advisory opinion to establish a standard of duty. An advisory
1363 opinion shall be rendered by the commission and, until amended

17-00660A-18

20181534__

1364 or revoked, is binding on the conduct of the person who sought
1365 the opinion, unless material facts were omitted or misstated in
1366 the request.

1367 Section 21. Present subsection (3) of section 218.32,
1368 Florida Statutes, is renumbered as subsection (4), and a new
1369 subsection (3) is added to that section, to read:

1370 218.32 Annual financial reports; local governmental
1371 entities.—

1372 (3) The department shall annually by December 1 file a
1373 verified report with the Legislature and the Commission on
1374 Ethics showing the total revenues for each municipality in each
1375 of the 3 prior fiscal years and whether the municipality timely
1376 filed its annual financial report in accordance with this
1377 section. The report must also indicate each municipality that
1378 does not have a certified annual financial report in each such
1379 year.

1380 Section 22. Subsection (1) of section 112.3188, Florida
1381 Statutes, is amended to read:

1382 112.3188 Confidentiality of information given to the Chief
1383 Inspector General, internal auditors, inspectors general, local
1384 chief executive officers, or other appropriate local officials.—

1385 (1) The name or identity of any individual who discloses in
1386 good faith to the Chief Inspector General or an agency inspector
1387 general, a local chief executive officer, or other appropriate
1388 local official information that alleges that an employee or
1389 agent of an agency or independent contractor:

1390 (a) Has violated or is suspected of having violated any
1391 federal, state, or local law, rule, or regulation, thereby
1392 creating and presenting a substantial and specific danger to the

17-00660A-18

20181534__

1393 public's health, safety, or welfare; or

1394 (b) Has committed an act of ~~gross~~ mismanagement,
1395 malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~
1396 neglect of duty

1397
1398 may not be disclosed to anyone other than a member of the Chief
1399 Inspector General's, agency inspector general's, internal
1400 auditor's, local chief executive officer's, or other appropriate
1401 local official's staff without the written consent of the
1402 individual, unless the Chief Inspector General, internal
1403 auditor, agency inspector general, local chief executive
1404 officer, or other appropriate local official determines that:
1405 the disclosure of the individual's identity is necessary to
1406 prevent a substantial and specific danger to the public's
1407 health, safety, or welfare or to prevent the imminent commission
1408 of a crime; or the disclosure is unavoidable and absolutely
1409 necessary during the course of the audit, evaluation, or
1410 investigation.

1411 Section 23. Paragraph (c) of subsection (3), subsection
1412 (4), and paragraph (a) of subsection (5) of section 112.3189,
1413 Florida Statutes, are amended to read:

1414 112.3189 Investigative procedures upon receipt of whistle-
1415 blower information from certain state employees.—

1416 (3) When a person alleges information described in s.
1417 112.3187(5), the Chief Inspector General or agency inspector
1418 general actually receiving such information shall within 20 days
1419 of receiving such information determine:

1420 (c) Whether the information actually disclosed demonstrates
1421 reasonable cause to suspect that an employee or agent of an

17-00660A-18

20181534__

1422 agency or independent contractor has violated any federal,
1423 state, or local law, rule, or regulation, thereby creating and
1424 presenting a substantial and specific danger to the public's
1425 health, safety, or welfare, or has committed an act of ~~gross~~
1426 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public
1427 funds, or ~~gross~~ neglect of duty.

1428 (4) If the Chief Inspector General or agency inspector
1429 general under subsection (3) determines that the information
1430 disclosed is not the type of information described in s.
1431 112.3187(5), or that the source of the information is not a
1432 person who is an employee or former employee of, or an applicant
1433 for employment with, a state agency, as defined in s. 216.011,
1434 or that the information disclosed does not demonstrate
1435 reasonable cause to suspect that an employee or agent of an
1436 agency or independent contractor has violated any federal,
1437 state, or local law, rule, or regulation, thereby creating and
1438 presenting a substantial and specific danger to the public's
1439 health, safety, or welfare, or has committed an act of ~~gross~~
1440 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public
1441 funds, or ~~gross~~ neglect of duty, the Chief Inspector General or
1442 agency inspector general shall notify the complainant of such
1443 fact and copy and return, upon request of the complainant, any
1444 documents and other materials that were provided by the
1445 complainant.

1446 (5) (a) If the Chief Inspector General or agency inspector
1447 general under subsection (3) determines that the information
1448 disclosed is the type of information described in s.
1449 112.3187(5), that the source of the information is from a person
1450 who is an employee or former employee of, or an applicant for

17-00660A-18

20181534__

1451 employment with, a state agency, as defined in s. 216.011, and
1452 that the information disclosed demonstrates reasonable cause to
1453 suspect that an employee or agent of an agency or independent
1454 contractor has violated any federal, state, or local law, rule,
1455 or regulation, thereby creating a substantial and specific
1456 danger to the public's health, safety, or welfare, or has
1457 committed an act of ~~gross~~ mismanagement, malfeasance,
1458 misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of
1459 duty, the Chief Inspector General or agency inspector general
1460 making such determination shall then conduct an investigation,
1461 unless the Chief Inspector General or the agency inspector
1462 general determines, within 30 days after receiving the
1463 allegations from the complainant, that such investigation is
1464 unnecessary. For purposes of this subsection, the Chief
1465 Inspector General or the agency inspector general shall consider
1466 the following factors, but is not limited to only the following
1467 factors, when deciding whether the investigation is not
1468 necessary:

1469 1. The gravity of the disclosed information compared to the
1470 time and expense of an investigation.

1471 2. The potential for an investigation to yield
1472 recommendations that will make state government more efficient
1473 and effective.

1474 3. The benefit to state government to have a final report
1475 on the disclosed information.

1476 4. Whether the alleged whistle-blower information primarily
1477 concerns personnel practices that may be investigated under
1478 chapter 110.

1479 5. Whether another agency may be conducting an

17-00660A-18

20181534__

1480 investigation and whether any investigation under this section
1481 could be duplicative.

1482 6. The time that has elapsed between the alleged event and
1483 the disclosure of the information.

1484 Section 24. Paragraph (a) of subsection (3) of section
1485 112.31895, Florida Statutes, is amended to read:

1486 112.31895 Investigative procedures in response to
1487 prohibited personnel actions.—

1488 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

1489 (a) The Florida Commission on Human Relations, in
1490 accordance with this act and for the sole purpose of this act,
1491 is empowered to:

1492 1. Receive and investigate complaints from employees
1493 alleging retaliation by state agencies, as the term "state
1494 agency" is defined in s. 216.011.

1495 2. Protect employees and applicants for employment with
1496 such agencies from prohibited personnel practices under s.
1497 112.3187.

1498 3. Petition for stays and petition for corrective actions,
1499 including, but not limited to, temporary reinstatement.

1500 4. Recommend disciplinary proceedings pursuant to
1501 investigation and appropriate agency rules and procedures.

1502 5. Coordinate with the Chief Inspector General in the
1503 Executive Office of the Governor and the Florida Commission on
1504 Human Relations to receive, review, and forward to appropriate
1505 agencies, legislative entities, or the Department of Law
1506 Enforcement disclosures of a violation of any law, rule, or
1507 regulation, or disclosures of ~~gross~~ mismanagement, malfeasance,
1508 misfeasance, nonfeasance, neglect of duty, or ~~gross~~ waste of

17-00660A-18

20181534__

1509 public funds.

1510 6. Review rules pertaining to personnel matters issued or
1511 proposed by the Department of Management Services, the Public
1512 Employees Relations Commission, and other agencies, and, if the
1513 Florida Commission on Human Relations finds that any rule or
1514 proposed rule, on its face or as implemented, requires the
1515 commission of a prohibited personnel practice, provide a written
1516 comment to the appropriate agency.

1517 7. Investigate, request assistance from other governmental
1518 entities, and, if appropriate, bring actions concerning,
1519 allegations of retaliation by state agencies under subparagraph
1520 1.

1521 8. Administer oaths, examine witnesses, take statements,
1522 issue subpoenas, order the taking of depositions, order
1523 responses to written interrogatories, and make appropriate
1524 motions to limit discovery, pursuant to investigations under
1525 subparagraph 1.

1526 9. Intervene or otherwise participate, as a matter of
1527 right, in any appeal or other proceeding arising under this
1528 section before the Public Employees Relations Commission or any
1529 other appropriate agency, except that the Florida Commission on
1530 Human Relations must comply with the rules of the commission or
1531 other agency and may not seek corrective action or intervene in
1532 an appeal or other proceeding without the consent of the person
1533 protected under ss. 112.3187-112.31895.

1534 10. Conduct an investigation, in the absence of an
1535 allegation, to determine whether reasonable grounds exist to
1536 believe that a prohibited action or a pattern of prohibited
1537 action has occurred, is occurring, or is to be taken.

17-00660A-18

20181534__

1538 Section 25. The Legislature finds that a proper and
1539 legitimate state purpose is served when mechanisms are
1540 established to secure and sustain the public's trust in public
1541 officers and employees. Therefore, the Legislature determines
1542 and declares that this act fulfills an important state interest.

1543 Section 26. Except as otherwise expressly provided in this
1544 act, this act shall take effect July 1, 2018.