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LEGISLATIVE ACTION

Senate

.

House

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Floor: AD/2R

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Senators Book and Benacquisto moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraphs (a) through (g) of subsection
(2) of section 11.045, Florida Statutes, are redesignated as
paragraphs (b) through (h), respectively, a new paragraph (a) is
added to that subsection, and subsection (8) of that section is
amended, to read:

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



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12 (2) Each house of the Legislature shall provide by rule, or
13 may provide by a joint rule adopted by both houses, for the
14 registration of lobbyists who lobby the Legislature. The rule
15 may provide for the payment of a registration fee. The rule may
16 provide for exemptions from registration or registration fees.
17 The rule shall provide that:

18 (a) Each lobbyist shall certify, upon registration, that he
19 or she has read the Code of Ethics for Public Officers and
20 Employees in part III of chapter 112, and that he or she has
21 read the rules governing conduct of members of the Legislature
22 and legislative lobbyists.

23 (8) (a) Any person required to be registered or to provide
24 information pursuant to this section or pursuant to rules
25 established in conformity with this section who knowingly fails
26 to disclose any material fact required by this section or by
27 rules established in conformity with this section, or who
28 knowingly provides false information on any report required by
29 this section or by rules established in conformity with this
30 section, commits a noncriminal infraction, punishable by a fine
31 not to exceed \$5,000. Such penalty shall be in addition to any
32 other penalty assessed by a house of the Legislature pursuant to
33 subsection (7).

34 (b) The President of the Senate or the Speaker of the House
35 of Representatives may suspend or revoke the registration of any
36 person who is required to register as a lobbyist under this
37 section who violates applicable rules prohibiting workplace
38 harassment, including sexual harassment.

39 Section 2. Section 112.3131, Florida Statutes, is created
40 to read:



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41 112.3131 Workplace harassment and sexual harassment
42 prohibited; agency requirements.-

43 (1) For purposes of this section, the term "agency" means
44 any state, regional, county, local, or municipal governmental
45 entity of this state, including the executive, judicial, or
46 legislative branches; any department, division, bureau,
47 commission, authority, or political subdivision of this state;
48 any public school, state college, or state university; or any
49 special district, as defined in s. 189.012; or any entity
50 created by statute for a public purpose.

51 (2) Florida has a zero tolerance policy against workplace
52 harassment, including sexual harassment. Every public officer
53 and public employee of an agency must be committed to providing
54 a safe and professional environment for conducting the business
55 of the residents of this state. It is essential to the proper
56 conduct and operation of government that harassment toward any
57 individual based on race, color, religion, sex, national origin,
58 age, disability, or marital status not be tolerated. To maintain
59 the integrity of government, public officers and public
60 employees must take appropriate action to eliminate prohibited
61 harassment.

62 (3) Each agency must:

63 (a) Develop and publicly publish policies consistent with
64 state and federal law which, at a minimum, provide:

65 1. A statement affirming that Florida has zero tolerance
66 for workplace harassment, including sexual harassment.

67 2. A strict prohibition against workplace harassment,
68 including sexual harassment.

69 3. A definition of workplace harassment, which includes



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- 70 sexual harassment, and examples of prohibited conduct.
- 71 4. Processes for reporting workplace and sexual harassment,
- 72 including the ability to report to individuals other than an
- 73 immediate supervisor.
- 74 5. For the designation of a reporting contact of the
- 75 opposite gender, where practical, for the purpose of receiving
- 76 complaints.
- 77 6. For the designation of a reporting contact for
- 78 individuals other than public officers or public employees.
- 79 7. Procedures for thoroughly investigating and promptly
- 80 resolving reported workplace harassment.
- 81 8. A strict prohibition against retaliation for making a
- 82 complaint.
- 83 9. A strict prohibition against making an intentionally or
- 84 recklessly dishonest or malicious complaint.
- 85 10. Disciplinary consequences for violations of the
- 86 policies, up to and including termination.
- 87 11. A strict prohibition on disclosing the personal
- 88 identifying information of a complainant or information that
- 89 would lead a reasonable person to be able to ascertain the
- 90 identity of a complainant for any purpose other than reporting,
- 91 investigating, or resolving a complaint before the allegations
- 92 are disclosed pursuant to public records laws. The prohibition
- 93 must state that penalties can range from reprimand to
- 94 termination.
- 95 12. Procedures to limit the sharing of information
- 96 regarding a complaint to individuals who need to know such
- 97 information to carry out the policies.
- 98 13. Procedures to maintain confidentiality of a complaint



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99 and the identity of a complainant, to the extent allowed and
100 practicable under existing law.

101 14. A requirement that all agreements with agents,
102 contractors, and vendors also contain provisions prohibiting
103 workplace harassment.

104 15. A list of available resources, such as the services of
105 a victim advocate for a victim of workplace harassment,
106 including sexual harassment.

107 (b) Disseminate the policies prohibiting workplace
108 harassment to all of its public officers and public employees
109 while also publicly publishing the document for access by all
110 lobbyists, contractors, or individuals who do business with the
111 agency.

112 (c) Maintain signed documents from public officers and
113 public employees acknowledging completion of training and that
114 they have received and understand the workplace harassment and
115 sexual harassment policies. Lobbyists shall also acknowledge
116 that they have received and understand all applicable workplace
117 harassment policies, including those policies prohibiting sexual
118 harassment.

119 (d) Provide annual training for all employees, with
120 additional training provided for supervisors or other
121 individuals designated to receive complaints of workplace
122 harassment, including sexual harassment. The annual training
123 must address workplace harassment, sexual harassment, undue
124 influence, and sensitivity training.

125 (4) The state's commitment to providing a safe,
126 professional environment free of workplace harassment requires
127 continuous improvement and constant engagement at all levels. To



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128 achieve this goal, every agency shall review its policies,
129 procedures, notifications, and training annually and update them
130 as necessary.

131 Section 3. Present paragraphs (a) through (e) of subsection
132 (3) of section 112.3215, Florida Statutes, are redesignated as
133 paragraphs (b) through (f), respectively, a new paragraph (a) is
134 added to that subsection, and subsection (10) of that section is
135 amended, to read:

136 112.3215 Lobbying before the executive branch or the
137 Constitution Revision Commission; registration and reporting;
138 investigation by commission.-

139 (3) A person may not lobby an agency until such person has
140 registered as a lobbyist with the commission. Such registration
141 shall be due upon initially being retained to lobby and is
142 renewable on a calendar year basis thereafter. Upon registration
143 the person shall provide a statement signed by the principal or
144 principal's representative that the registrant is authorized to
145 represent the principal. The principal shall also identify and
146 designate its main business on the statement authorizing that
147 lobbyist pursuant to a classification system approved by the
148 commission. The registration shall require each lobbyist to
149 disclose, under oath, the following information:

150 (a) Each lobbyist shall certify that he or she has read the
151 Code of Ethics for Public Officers and Employees contained in
152 this part, and that he or she has read any rules governing the
153 conduct of agency officials and lobbyists who lobby before an
154 agency.

155 (10) (a) If the Governor and Cabinet learn that a person
156 required to be registered pursuant to this section has violated



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157 an executive branch rule prohibiting workplace harassment or
158 sexual harassment, the Governor and Cabinet may suspend or
159 revoke the individual's registration.

160 **(b)** If the Governor and Cabinet find that a violation
161 occurred, the Governor and Cabinet may reprimand the violator,
162 censure the violator, or prohibit the violator from lobbying all
163 agencies for a period not to exceed 2 years. If the violator is
164 a lobbying firm, lobbyist, or principal, the Governor and
165 Cabinet may also assess a fine of not more than \$5,000 to be
166 deposited in the Executive Branch Lobby Registration Trust Fund.

167 Section 4. Subsection (8) of section 112.324, Florida
168 Statutes, is amended to read:

169 112.324 Procedures on complaints of violations and
170 referrals; public records and meeting exemptions.—

171 (8) If, in cases other than complaints or referrals against
172 impeachable officers or members of the Legislature, upon
173 completion of a full and final investigation by the commission,
174 the commission finds that there has been a violation of this
175 part or of s. 8, Art. II of the State Constitution, it is the
176 duty of the commission to report its findings and recommend
177 appropriate action to the proper disciplinary official or body
178 as follows, and such official or body has the power to invoke
179 the penalty provisions of this part, including the power to
180 order the appropriate elections official to remove a candidate
181 from the ballot for a violation of s. 112.3145 or s. 8(a) and
182 (i), Art. II of the State Constitution:

183 (a) The President of the Senate and the Speaker of the
184 House of Representatives, jointly, in any case concerning the
185 Public Counsel, members of the Public Service Commission,



186 members of the Public Service Commission Nominating Council, the
187 Auditor General, or the director of the Office of Program Policy
188 Analysis and Government Accountability.

189 (b) The Supreme Court, in any case concerning an employee
190 of the judicial branch.

191 (c) The President of the Senate, in any case concerning an
192 employee of the Senate; the Speaker of the House of
193 Representatives, in any case concerning an employee of the House
194 of Representatives; the President or the Speaker, in any case
195 concerning a person who is required to register as a lobbyist
196 under s. 11.045 for violations of workplace harassment or sexual
197 harassment policies; or the President and the Speaker, jointly,
198 in any case concerning an employee of a committee of the
199 Legislature whose members are appointed solely by the President
200 and the Speaker or in any case concerning an employee of the
201 Public Counsel, Public Service Commission, Auditor General, or
202 Office of Program Policy Analysis and Government Accountability.

203 (d) The Governor and the Cabinet, in any case concerning a
204 person who is required to register as a lobbyist under s.
205 112.3215 for violations of workplace harassment, including
206 sexual harassment. Additionally, a political subdivision may
207 suspend or revoke the lobbying privileges of any person
208 authorized to lobby that political subdivision if he or she has
209 been found to have violated for policies prohibiting workplace
210 harassment, including sexual harassment.

211 (e) Except as otherwise provided by this part, the
212 Governor, in the case of any other public officer, public
213 employee, former public officer or public employee, candidate or
214 former candidate, or person who is not a public officer or



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215 employee, other than lobbyists and lobbying firms under s.
216 112.3215 for violations of s. 112.3215.

217 (f)~~(e)~~ The President of the Senate or the Speaker of the
218 House of Representatives, whichever is applicable, in any case
219 concerning a former member of the Legislature who has violated a
220 provision applicable to former members or whose violation
221 occurred while a member of the Legislature.

222 Section 5. This act shall take effect upon becoming a law.
223

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

225 And the title is amended as follows:

226 Delete everything before the enacting clause
227 and insert:

228 A bill to be entitled
229 An act relating to workplace harassment; amending s.
230 11.045, F.S.; revising requirements for rules
231 governing the registration of lobbyists who lobby the
232 Legislature; authorizing the President of the Senate
233 and the Speaker of the House of Representatives to
234 suspend or revoke the lobbyist registration of a
235 person who violates workplace harassment or sexual
236 harassment rules; creating s. 112.3131, F.S.; defining
237 the term "agency"; specifying the policy of the state
238 regarding the prohibition against workplace harassment
239 and sexual harassment; prescribing agency requirements
240 regarding certain measures to eliminate workplace
241 harassment and sexual harassment; amending s.
242 112.3215, F.S.; revising requirements for registration
243 of lobbyists who register to lobby before the



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244 executive branch or the Constitution Revision
245 Commission; authorizing the Governor and Cabinet to
246 suspend or revoke the lobbyist registration of a
247 person who violates workplace harassment or sexual
248 harassment rules; amending s. 112.324, F.S.; requiring
249 the Commission on Ethics to report findings and
250 recommendations to the proper disciplinary official or
251 body upon finding certain violations of law; providing
252 an effective date.