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1 A bill to be entitled
2 An act relating to workplace harassment; amending s.
3 11.045, F.S.; revising requirements for rules
4 governing the registration of lobbyists who lobby the
5 Legislature; authorizing the President of the Senate
6 and the Speaker of the House of Representatives to
7 suspend or revoke the lobbyist registration of a
8 person who violates workplace harassment or sexual
9 harassment rules; creating s. 112.3131, F.S.; defining
10 the term "agency"; specifying the policy of the state
11 regarding the prohibition against workplace harassment
12 and sexual harassment; prescribing agency requirements
13 regarding certain measures to eliminate workplace
14 harassment and sexual harassment; amending s.
15 112.3215, F.S.; revising requirements for registration
16 of lobbyists who register to lobby before the
17 executive branch or the Constitution Revision
18 Commission; authorizing the Governor and Cabinet to
19 suspend or revoke the lobbyist registration of a
20 person who violates workplace harassment or sexual
21 harassment rules; amending s. 112.324, F.S.; requiring
22 the Commission on Ethics to report findings and
23 recommendations to the proper disciplinary official or
24 body upon finding certain violations of law; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Present paragraphs (a) through (g) of subsection

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30 (2) of section 11.045, Florida Statutes, are redesignated as
31 paragraphs (b) through (h), respectively, a new paragraph (a) is
32 added to that subsection, and subsection (8) of that section is
33 amended, to read:

34 11.045 Lobbying before the Legislature; registration and
35 reporting; exemptions; penalties.—

36 (2) Each house of the Legislature shall provide by rule, or
37 may provide by a joint rule adopted by both houses, for the
38 registration of lobbyists who lobby the Legislature. The rule
39 may provide for the payment of a registration fee. The rule may
40 provide for exemptions from registration or registration fees.
41 The rule shall provide that:

42 (a) Each lobbyist shall certify, upon registration, that he
43 or she has read the Code of Ethics for Public Officers and
44 Employees in part III of chapter 112, and that he or she has
45 read the rules governing conduct of members of the Legislature
46 and legislative lobbyists.

47 (8) (a) Any person required to be registered or to provide
48 information pursuant to this section or pursuant to rules
49 established in conformity with this section who knowingly fails
50 to disclose any material fact required by this section or by
51 rules established in conformity with this section, or who
52 knowingly provides false information on any report required by
53 this section or by rules established in conformity with this
54 section, commits a noncriminal infraction, punishable by a fine
55 not to exceed \$5,000. Such penalty shall be in addition to any
56 other penalty assessed by a house of the Legislature pursuant to
57 subsection (7).

58 (b) The President of the Senate or the Speaker of the House

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59 of Representatives may suspend or revoke the registration of any
60 person who is required to register as a lobbyist under this
61 section who violates applicable rules prohibiting workplace
62 harassment, including sexual harassment.

63 Section 2. Section 112.3131, Florida Statutes, is created
64 to read:

65 112.3131 Workplace harassment and sexual harassment
66 prohibited; agency requirements.-

67 (1) For purposes of this section, the term "agency" means
68 any state, regional, county, local, or municipal governmental
69 entity of this state, including the executive, judicial, or
70 legislative branches; any department, division, bureau,
71 commission, authority, or political subdivision of this state;
72 any public school, state college, or state university; or any
73 special district, as defined in s. 189.012; or any entity
74 created by statute for a public purpose.

75 (2) Florida has a zero tolerance policy against workplace
76 harassment, including sexual harassment. Every public officer
77 and public employee of an agency must be committed to providing
78 a safe and professional environment for conducting the business
79 of the residents of this state. It is essential to the proper
80 conduct and operation of government that harassment toward any
81 individual based on race, color, religion, sex, national origin,
82 age, disability, or marital status not be tolerated. To maintain
83 the integrity of government, public officers and public
84 employees must take appropriate action to eliminate prohibited
85 harassment.

86 (3) Each agency must:

87 (a) Develop and publicly publish policies consistent with

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88 state and federal law which, at a minimum, provide:

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

91 2. A strict prohibition against workplace harassment,
92 including sexual harassment.

93 3. A definition of workplace harassment, which includes
94 sexual harassment, and examples of prohibited conduct.

95 4. Processes for reporting workplace and sexual harassment,
96 including the ability to report to individuals other than an
97 immediate supervisor.

98 5. For the designation of a reporting contact of the
99 opposite gender, where practical, for the purpose of receiving
100 complaints.

101 6. For the designation of a reporting contact for
102 individuals other than public officers or public employees.

103 7. Procedures for thoroughly investigating and promptly
104 resolving reported workplace harassment.

105 8. A strict prohibition against retaliation for making a
106 complaint.

107 9. A strict prohibition against making an intentionally or
108 recklessly dishonest or malicious complaint.

109 10. Disciplinary consequences for violations of the
110 policies, up to and including termination.

111 11. A strict prohibition on disclosing the personal
112 identifying information of a complainant or information that
113 would lead a reasonable person to be able to ascertain the
114 identity of a complainant for any purpose other than reporting,
115 investigating, or resolving a complaint before the allegations
116 are disclosed pursuant to public records laws. The prohibition

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117 must state that penalties can range from reprimand to
118 termination.

119 12. Procedures to limit the sharing of information
120 regarding a complaint to individuals who need to know such
121 information to carry out the policies.

122 13. Procedures to maintain confidentiality of a complaint
123 and the identity of a complainant, to the extent allowed and
124 practicable under existing law.

125 14. A requirement that all agreements with agents,
126 contractors, and vendors also contain provisions prohibiting
127 workplace harassment.

128 15. A list of available resources, such as the services of
129 a victim advocate for a victim of workplace harassment,
130 including sexual harassment.

131 (b) Disseminate the policies prohibiting workplace
132 harassment to all of its public officers and public employees
133 while also publicly publishing the document for access by all
134 lobbyists, contractors, or individuals who do business with the
135 agency.

136 (c) Maintain signed documents from public officers and
137 public employees acknowledging completion of training and that
138 they have received and understand the workplace harassment and
139 sexual harassment policies. Lobbyists shall also acknowledge
140 that they have received and understand all applicable workplace
141 harassment policies, including those policies prohibiting sexual
142 harassment.

143 (d) Provide annual training for all employees, with
144 additional training provided for supervisors or other
145 individuals designated to receive complaints of workplace

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146 harassment, including sexual harassment. The annual training
147 must address workplace harassment, sexual harassment, undue
148 influence, and sensitivity training.

149 (4) The state's commitment to providing a safe,
150 professional environment free of workplace harassment requires
151 continuous improvement and constant engagement at all levels. To
152 achieve this goal, every agency shall review its policies,
153 procedures, notifications, and training annually and update them
154 as necessary.

155 Section 3. Present paragraphs (a) through (e) of subsection
156 (3) of section 112.3215, Florida Statutes, are redesignated as
157 paragraphs (b) through (f), respectively, a new paragraph (a) is
158 added to that subsection, and subsection (10) of that section is
159 amended, to read:

160 112.3215 Lobbying before the executive branch or the
161 Constitution Revision Commission; registration and reporting;
162 investigation by commission.—

163 (3) A person may not lobby an agency until such person has
164 registered as a lobbyist with the commission. Such registration
165 shall be due upon initially being retained to lobby and is
166 renewable on a calendar year basis thereafter. Upon registration
167 the person shall provide a statement signed by the principal or
168 principal's representative that the registrant is authorized to
169 represent the principal. The principal shall also identify and
170 designate its main business on the statement authorizing that
171 lobbyist pursuant to a classification system approved by the
172 commission. The registration shall require each lobbyist to
173 disclose, under oath, the following information:

174 (a) Each lobbyist shall certify that he or she has read the

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175 Code of Ethics for Public Officers and Employees contained in
176 this part, and that he or she has read any rules governing the
177 conduct of agency officials and lobbyists who lobby before an
178 agency.

179 (10) (a) If the Governor and Cabinet learn that a person
180 required to be registered pursuant to this section has violated
181 an executive branch rule prohibiting workplace harassment or
182 sexual harassment, the Governor and Cabinet may suspend or
183 revoke the individual's registration.

184 (b) If the Governor and Cabinet find that a violation
185 occurred, the Governor and Cabinet may reprimand the violator,
186 censure the violator, or prohibit the violator from lobbying all
187 agencies for a period not to exceed 2 years. If the violator is
188 a lobbying firm, lobbyist, or principal, the Governor and
189 Cabinet may also assess a fine of not more than \$5,000 to be
190 deposited in the Executive Branch Lobby Registration Trust Fund.

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

193 112.324 Procedures on complaints of violations and
194 referrals; public records and meeting exemptions.—

195 (8) If, in cases other than complaints or referrals against
196 impeachable officers or members of the Legislature, upon
197 completion of a full and final investigation by the commission,
198 the commission finds that there has been a violation of this
199 part or of s. 8, Art. II of the State Constitution, it is the
200 duty of the commission to report its findings and recommend
201 appropriate action to the proper disciplinary official or body
202 as follows, and such official or body has the power to invoke
203 the penalty provisions of this part, including the power to

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204 order the appropriate elections official to remove a candidate
205 from the ballot for a violation of s. 112.3145 or s. 8(a) and
206 (i), Art. II of the State Constitution:

207 (a) The President of the Senate and the Speaker of the
208 House of Representatives, jointly, in any case concerning the
209 Public Counsel, members of the Public Service Commission,
210 members of the Public Service Commission Nominating Council, the
211 Auditor General, or the director of the Office of Program Policy
212 Analysis and Government Accountability.

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

215 (c) The President of the Senate, in any case concerning an
216 employee of the Senate; the Speaker of the House of
217 Representatives, in any case concerning an employee of the House
218 of Representatives; the President or the Speaker, in any case
219 concerning a person who is required to register as a lobbyist
220 under s. 11.045 for violations of workplace harassment or sexual
221 harassment policies; or the President and the Speaker, jointly,
222 in any case concerning an employee of a committee of the
223 Legislature whose members are appointed solely by the President
224 and the Speaker or in any case concerning an employee of the
225 Public Counsel, Public Service Commission, Auditor General, or
226 Office of Program Policy Analysis and Government Accountability.

227 (d) The Governor and the Cabinet, in any case concerning a
228 person who is required to register as a lobbyist under s.
229 112.3215 for violations of workplace harassment, including
230 sexual harassment. Additionally, a political subdivision may
231 suspend or revoke the lobbying privileges of any person
232 authorized to lobby that political subdivision if he or she has

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233 been found to have violated for policies prohibiting workplace
234 harassment, including sexual harassment.

235 (e) Except as otherwise provided by this part, the
236 Governor, in the case of any other public officer, public
237 employee, former public officer or public employee, candidate or
238 former candidate, or person who is not a public officer or
239 employee, other than lobbyists and lobbying firms under s.
240 112.3215 for violations of s. 112.3215.

241 (f)~~(e)~~ The President of the Senate or the Speaker of the
242 House of Representatives, whichever is applicable, in any case
243 concerning a former member of the Legislature who has violated a
244 provision applicable to former members or whose violation
245 occurred while a member of the Legislature.

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