

By Senator Baxley

12-01601-20

20201530\_\_

1                                   A bill to be entitled  
2       An act relating to ethics reform; repealing s. 11.061,  
3       F.S., relating to state, state university, and  
4       community college employee lobbyists; creating s.  
5       106.114, F.S.; defining terms; prohibiting certain  
6       public service announcements by specified governmental  
7       entities, persons acting on behalf of such entities,  
8       and elected officials; providing applicability;  
9       amending s. 112.313, F.S.; revising applicability of  
10      certain provisions relating to conflicting employment  
11      and contractual relationships; prohibiting public  
12      officers or employees of an agency from soliciting  
13      specified employment or contractual relationships;  
14      requiring certain offers and solicitations of  
15      employment or contractual relationships to be  
16      disclosed to certain persons; requiring such  
17      solicitations to be disclosed to the Commission on  
18      Ethics in certain circumstances; authorizing the  
19      commission to investigate such disclosures;  
20      prohibiting specified persons from receiving certain  
21      compensated representation for a specified period  
22      following vacation of office; deleting certain  
23      exceptions from postemployment restrictions; providing  
24      applicability; creating s. 112.3181, F.S.; prohibiting  
25      statewide elected officers and legislators from  
26      soliciting employment offers or investment advice  
27      arising out of official or political activities;  
28      providing exceptions; prohibiting such officers or  
29      legislators from soliciting or accepting investment

12-01601-20

20201530\_\_

30 advice from or soliciting or entering into certain  
31 profitmaking relationships with or advised by  
32 lobbyists or principals; defining terms; requiring  
33 lobbyists and principals to disclose certain  
34 prohibited solicitations to the commission;  
35 authorizing the commission to investigate such  
36 disclosures; providing disclosure requirements for  
37 reporting certain employment; requiring the commission  
38 to publish the disclosures on its website; authorizing  
39 the commission to adopt rules; amending s. 112.3185,  
40 F.S.; defining terms; prohibiting certain officers and  
41 employees from soliciting employment or contractual  
42 relationships from or negotiating employment or  
43 contractual relationships with certain employers;  
44 providing exceptions; requiring disclosure of certain  
45 offers of employment or contractual relationships;  
46 providing applicability; amending s. 112.3215, F.S.;  
47 revising definitions; requiring executive branch  
48 lobbyists to electronically register with the  
49 commission; revising lobbyist registration,  
50 compensation report, principal designation  
51 cancellation, and investigation requirements;  
52 authorizing the commission to dismiss certain  
53 complaints and investigations; amending s. 420.5061,  
54 F.S.; conforming a provision to changes made by the  
55 act; providing an effective date.

56

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

58

12-01601-20

20201530\_\_

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

60           Section 2. Section 106.114, Florida Statutes, is created to  
61 read:

62           106.114 Elected official advertising.-

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

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

67           (b) "Public service announcement" means any message  
68 communicated by radio, television, electronic communication, or  
69 billboard which promotes or announces an issue of public  
70 importance, concern, or welfare. The term does not include an  
71 official communication on the elected official's official  
72 website or a social media account used exclusively for official  
73 business.

74           (2) A governmental entity, a person acting on behalf of a  
75 governmental entity, or an elected official may not use or  
76 authorize the use of an elected official's name, image,  
77 likeness, official uniform, badge, or other symbol of office in  
78 a public service announcement beginning on the date that the  
79 elected official qualifies as a candidate, pursuant to s. 99.061  
80 or other applicable law, for reelection or election to another  
81 public office and ending on the day after the election for which  
82 the elected official qualified as a candidate if such  
83 announcement is paid for with public funds or if the time or  
84 space for such announcement is donated by the media. This  
85 subsection does not apply to charitable events held by an  
86 organization with tax-exempt status under s. 501(c)(3) of the  
87 Internal Revenue Code or bona fide news events, such as press

12-01601-20

20201530\_\_

88 conferences or public debates broadcast by a licensed  
 89 broadcaster.

90 Section 3. Subsections (7), (9), and (15) of section  
 91 112.313, Florida Statutes, are amended to read:

92 112.313 Standards of conduct for public officers, employees  
 93 of agencies, and local government attorneys.—

94 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

95 (a) A ~~No~~ public officer or employee of an agency may not  
 96 ~~shall~~ have or hold any employment or contractual relationship  
 97 with any business entity or any agency that ~~which~~ is subject to  
 98 the regulation of, or is doing business with, the officer's or  
 99 employee's ~~an~~ agency. This paragraph does not apply to ~~of which~~  
 100 ~~he or she is an officer or employee, excluding those~~  
 101 organizations and their officers who, when acting in their  
 102 official capacity, enter into or negotiate a collective  
 103 bargaining contract with the state or any municipality, county,  
 104 or other political subdivision of the state. Such; ~~nor shall an~~  
 105 officer or employee also may not ~~of an agency~~ have or hold any  
 106 employment or contractual relationship that will create a  
 107 continuing or frequently recurring conflict between his or her  
 108 private interests and the performance of his or her public  
 109 duties or that would impede the full and faithful discharge of  
 110 his or her public duties.

111 1. When the agency referred to is a ~~that certain kind of~~  
 112 special tax district created by general or special law and is  
 113 limited specifically to constructing, maintaining, managing, and  
 114 financing improvements in the land area over which the agency  
 115 has jurisdiction, or when the agency has been organized pursuant  
 116 to chapter 298, ~~then~~ employment with, or entering into a

12-01601-20

20201530\_\_

117 contractual relationship with, such a business entity by a  
118 public officer or employee of such an agency is ~~shall~~ not ~~be~~  
119 prohibited by this subsection or ~~be~~ deemed a conflict ~~per-se~~.  
120 However, conduct by such officer or employee that is prohibited  
121 by, or otherwise frustrates the intent of, this section must  
122 ~~shall~~ be deemed a conflict of interest in violation of the  
123 standards of conduct set forth by this section.

124 2. When the agency referred to is a legislative body and  
125 the regulatory power over the business entity resides in another  
126 agency, or when the regulatory power that ~~which~~ the legislative  
127 body exercises over the business entity or agency is strictly  
128 through the enactment of laws or ordinances, ~~then~~ employment  
129 with, or entering into a contractual relationship with, such a  
130 business entity by a public officer or employee of such a  
131 legislative body is ~~shall~~ not ~~be~~ prohibited by this subsection  
132 or ~~be~~ deemed a conflict based on the regulatory power of the  
133 legislative body, unless prohibited by or deemed a conflict by  
134 another law.

135 (b) This subsection does ~~shall~~ not prohibit a public  
136 officer or employee from practicing in a particular profession  
137 or occupation when such practice by persons holding such public  
138 office or employment is required or permitted by law or  
139 ordinance.

140 (c) A public officer or an employee of an agency may not  
141 solicit any employment or contractual relationship prohibited by  
142 this subsection.

143 (d) A public officer or an employee of an agency shall  
144 disclose to the head of his or her agency, the general counsel  
145 or inspector general of his or her agency, or any other officer

12-01601-20

20201530\_\_

146 or attorney designated by the head of his or her agency any  
147 offer of employment or contractual relationship that is  
148 prohibited by this subsection.

149 (e) If a public officer or an employee of an agency, or a  
150 person acting on his or her behalf, solicits employment with any  
151 business entity or any agency that is subject to the regulation  
152 of, or is doing business with, the officer's or employer's  
153 agency in violation of paragraph (c), the solicited business  
154 entity or agency must disclose such solicitation to the head of  
155 the officer's or employee's agency. If such solicitation is by  
156 or on behalf of the head of the agency or a member of a body  
157 that is the head of the agency, the solicited business entity or  
158 agency must disclose such solicitation to the commission. The  
159 commission may investigate such disclosure as if it were a valid  
160 complaint under this part.

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

163 (a)1. It is the intent of the Legislature to implement by  
164 statute the provisions of s. 8(e), Art. II of the State  
165 Constitution relating to legislators, statewide elected  
166 officers, appointed state officers, and designated public  
167 employees.

168 2. As used in this paragraph:

169 a. "Employee" means:

170 (I) Any person employed in the executive or legislative  
171 branch of government holding a position in the Senior Management  
172 Service as defined in s. 110.402 or any person holding a  
173 position in the Selected Exempt Service as defined in s. 110.602  
174 or any person having authority over policy or procurement

12-01601-20

20201530\_\_

175 employed by the Department of the Lottery.

176 (II) The Auditor General, the director of the Office of  
177 Program Policy Analysis and Government Accountability, the  
178 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
179 at Arms and Clerk of the House of Representatives.

180 (III) The executive director and deputy executive director  
181 of the Commission on Ethics.

182 (IV) An executive director, staff director, or deputy staff  
183 director of each joint committee, standing committee, or select  
184 committee of the Legislature; an executive director, staff  
185 director, executive assistant, analyst, or attorney of the  
186 Office of the President of the Senate, the Office of the Speaker  
187 of the House of Representatives, the Senate Majority Party  
188 Office, Senate Minority Party Office, House Majority Party  
189 Office, or House Minority Party Office; or any person, hired on  
190 a contractual basis, having the power normally conferred upon  
191 such persons, by whatever title.

192 (V) The Chancellor and Vice Chancellors of the State  
193 University System; the general counsel to the Board of Governors  
194 of the State University System; and the president, provost, vice  
195 presidents, and deans of each state university.

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

199 b. "Appointed state officer" means any member of an  
200 appointive board, commission, committee, council, or authority  
201 of the executive or legislative branch of state government whose  
202 powers, jurisdiction, and authority are not solely advisory and  
203 include the final determination or adjudication of any personal

12-01601-20

20201530\_\_

204 or property rights, duties, or obligations, other than those  
205 relative to its internal operations.

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

209 3.a. No member of the Legislature, appointed state officer,  
210 or statewide elected officer shall personally represent another  
211 person or entity for compensation before the government body or  
212 agency of which the individual was an officer or member for a  
213 period of 2 years following vacation of office. No member of the  
214 Legislature shall personally represent another person or entity  
215 for compensation during his or her term of office before any  
216 state agency other than judicial tribunals or in settlement  
217 negotiations after the filing of a lawsuit.

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

223 4. An agency employee, including an agency employee who was  
224 employed on July 1, 2001, in a Career Service System position  
225 that was transferred to the Selected Exempt Service System under  
226 chapter 2001-43, Laws of Florida, may not personally represent  
227 another person or entity for compensation before the agency with  
228 which he or she was employed for a period of 2 years following  
229 vacation of position, except when ~~unless~~ employed by and  
230 representing another state agency ~~of state government~~.

231 5. Any person violating this paragraph is ~~shall be~~ subject  
232 to the penalties provided in s. 112.317 and a civil penalty of



12-01601-20

20201530\_\_

233 an amount equal to the compensation which the person receives  
234 for the prohibited conduct.

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

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

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

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

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

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

250 (b) In addition to the provisions of this part which are  
251 applicable to legislators and legislative employees by virtue of  
252 their being public officers or employees, the conduct of members  
253 of the Legislature and legislative employees shall be governed  
254 by the ethical standards provided in the respective rules of the  
255 Senate or House of Representatives which are not in conflict  
256 herewith.

257 (15) ADDITIONAL EXEMPTION.—

258 (a) An ~~Ne~~ elected public officer may not ~~shall~~ be held in  
259 violation of subsection (7) if the officer maintains an  
260 employment relationship with an entity which is currently a tax-  
261 exempt organization under s. 501(c) of the Internal Revenue Code

12-01601-20

20201530\_\_

262 and which contracts with or otherwise enters into a business  
263 relationship with the officer's agency and:

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

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

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

277 (b) This subsection does not apply to an officer who begins  
278 his or her term of office on or after July 1, 2020.

279 Section 4. Section 112.3181, Florida Statutes, is created  
280 to read:

281 112.3181 Additional standards for statewide elected  
282 officers and legislators.-

283 (1) A statewide elected officer or member of the  
284 Legislature may not solicit an employment offer or investment  
285 advice arising out of official or political activities engaged  
286 in while he or she is an officer or a legislator or a candidate  
287 for such office, except under either of the following  
288 circumstances:

289 (a) The officer or legislator may solicit or accept future  
290 employment, including professional partnerships, in the last 180

12-01601-20

20201530\_\_

291 days of his or her term of office if he or she is ineligible to  
292 run for reelection or has publicly announced, and filed a letter  
293 or other written notice with the qualifying officer with whom  
294 reelection qualification papers are filed, that he or she is not  
295 and does not intend to become a candidate for reelection.

296 (b) The officer or legislator may solicit or accept  
297 employment from any prospective employer in a profession or an  
298 occupation in which he or she has formerly engaged, has been  
299 formally educated or trained, or is licensed unless such  
300 employment is prohibited by other general law.

301 (2) A statewide elected officer or member of the  
302 Legislature may not solicit or accept investment advice from or  
303 solicit or enter into an investment, a joint venture, or other  
304 profitmaking relationship with a lobbyist or principal, as those  
305 terms are defined in s. 11.045 or s. 112.3215. However, the  
306 officer or legislator may buy or sell listed, publicly traded  
307 securities of a principal without the advice of a lobbyist or  
308 principal unless such action violates s. 112.313. For purposes  
309 of this section, the phrase "investment, joint venture, or other  
310 profitmaking relationship" does not include an employment  
311 relationship or any enterprise organized to employ or engage the  
312 personal services of individuals, including the officer or  
313 legislator. For purposes of this section, the terms "investment  
314 advice" and "profitmaking relationship" do not include a client  
315 relationship with a licensed investment broker, licensed  
316 investment advisor, or similarly licensed professional to whom  
317 the officer or legislator pays ordinary and reasonable fees for  
318 services, regardless of such broker's, advisor's, or  
319 professional's status as a lobbyist's principal or a nonlobbyist

12-01601-20

20201530\_\_

320 employee of such principal.

321 (3) A lobbyist or principal who receives a solicitation  
322 prohibited by this section by or on behalf of a statewide  
323 elected officer or member of the Legislature must disclose such  
324 solicitation to the commission. Any other person who receives  
325 such solicitation may disclose such solicitation to the  
326 commission. The commission may investigate any disclosure under  
327 this subsection as if it were a valid complaint under this part.

328 (4) (a) A statewide elected officer or member of the  
329 Legislature must file a written disclosure with the commission  
330 upon acceptance of the following:

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

333 2. Any new employment with or increased compensation from  
334 an agency;

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

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

341 (b) The disclosure must identify the applicable  
342 subparagraph of paragraph (a), the employer, position, salary or  
343 other compensation, and the effective date of employment or  
344 increased compensation. Such disclosure must be filed within 30  
345 days after he or she accepts the employment or increased  
346 compensation or before the effective date of employment or  
347 increased compensation, whichever date is earliest. With respect  
348 to employment or increased compensation accepted or effective

12-01601-20

20201530\_\_

349 between December 31, 2019, and July 1, 2020, the officer or  
350 legislator must file such disclosure within 30 days after July  
351 1, 2020. The commission shall publish such disclosures with the  
352 officer's or legislator's full financial disclosure on its  
353 website. The commission may adopt forms for disclosure and may  
354 adopt rules requiring electronic submission of the disclosure  
355 required by this subsection.

356 Section 5. Present subsection (7) of section 112.3185,  
357 Florida Statutes, is renumbered as subsection (8), a new  
358 subsection (7) is added to that section, subsection (1) of that  
359 section is reordered and amended, and present subsection (8) of  
360 that section is amended, to read:

361 112.3185 Additional standards for state officers and agency  
362 employees.—

363 (1) For the purposes of this section, the term:

364 (b) ~~(a)~~ "Contractual services" has the same meaning ~~shall be~~  
365 ~~defined~~ as set forth in chapter 287.

366 (a) ~~(b)~~ "Agency" means any state officer, department, board,  
367 commission, or council of the executive, legislative, or  
368 judicial branch of state government and includes the Public  
369 Service Commission.

370 (c) "Covered officer" means a state officer who is serving  
371 in a position that is not an elective position. The term does  
372 not include a person who is appointed to fill an unexpired term  
373 of an elective office.

374 (d) "Negotiate" or "negotiation" means a response to an  
375 offer or solicitation of an offer of employment or a contractual  
376 relationship, including the submission of a resume, an  
377 application, or any other information demonstrating interest on

12-01601-20

20201530\_\_

378 the part of a prospective employee and interviewing or engaging  
379 in other communication intended to lead to an offer or  
380 acceptance of employment or a contractual relationship.

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

384 (f) "Restricted employer," with respect to any state  
385 officer or agency employee, means any entity that does business  
386 with or is subject to regulation by an agency employing the  
387 covered officer or reporting employee and any person or entity  
388 from whom the covered officer or reporting employee may not  
389 solicit a gift under s. 112.3148(3).

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

394 (7) A covered officer or reporting employee who is employed  
395 in such position on or after July 1, 2020, may not solicit an  
396 employment or contractual relationship from or negotiate an  
397 employment or contractual relationship with a restricted  
398 employer except as provided in this subsection.

399 (a) A covered officer or reporting employee may solicit a  
400 future employment or contractual relationship from or negotiate  
401 a future employment or contractual relationship with a  
402 restricted employer within 90 days before the expiration of the  
403 officer's term of office, if the officer does not seek  
404 reappointment, or within 90 days before the officer's or  
405 employee's termination or retirement date, if he or she provides  
406 notice of termination or retirement to the head of his or her

12-01601-20

20201530\_\_

407 agency, the general counsel or inspector general of his or her  
408 agency, or any other officer or attorney designated by the head  
409 of his or her agency.

410 (b) If a covered officer or reporting employee has been  
411 notified by his or her appointing authority or employing agency  
412 that he or she will be discharged from office or dismissed or  
413 terminated from employment, he or she may solicit a future  
414 employment or contractual relationship from or negotiate a  
415 future employment or contractual relationship with a restricted  
416 employer at any time after such notice but not sooner than 180  
417 days before his or her employment is scheduled to end.

418 (c) A covered officer or reporting employee must disclose  
419 to the head of his or her agency, the general counsel or  
420 inspector general of his or her agency, or any other officer or  
421 attorney designated by the head of his or her agency any offer  
422 from a restricted employer of employment or a contractual  
423 relationship. After such disclosure, a covered officer or  
424 reporting employee may negotiate employment or a contractual  
425 relationship with the restricted employer if expressly  
426 authorized by the head of his or her agency or the agency head's  
427 authorized designee. Permission may be withheld only if the  
428 agency head or his or her authorized designee determines such  
429 negotiation poses an actual or a potential conflict with the  
430 interests of the state or the agency.

431 (d) This subsection does not authorize any employment or  
432 contractual relationship solicitation otherwise prohibited by  
433 general law.

434 (9)-(8) Subsections (1) through (6) do not apply ~~this~~  
435 ~~section is not applicable~~ to any employee of the Public Service

12-01601-20

20201530\_\_

436 Commission who was so employed on or before December 31, 1994,  
437 unless so employed on or after July 1, 2020.

438 Section 6. Paragraphs (a), (f), and (h) of subsection (1),  
439 subsection (3), paragraph (a) of subsection (5), and subsections  
440 (7) and (8) of section 112.3215, Florida Statutes, are amended,  
441 and subsection (15) of that section is republished, to read:

442 112.3215 Lobbying before the executive branch or the  
443 Constitution Revision Commission; registration and reporting;  
444 investigation by commission.—

445 (1) For the purposes of this section:

446 (a) "Agency" means the Governor; the Governor and  
447 Cabinet; ~~or~~ any department, division, bureau, board,  
448 commission, or authority of the executive branch; the State  
449 Board of Education; or the Board of Governors of the State  
450 University System. The term also includes ~~In addition,~~ "agency"  
451 ~~shall mean~~ the Constitution Revision Commission as provided by  
452 s. 2, Art. XI of the State Constitution.

453 (f) "Lobbying" ~~"Lobbies"~~ means seeking, on behalf of  
454 another person, to influence an agency with respect to a  
455 decision of the agency in the area of policy or procurement or  
456 an attempt to obtain the goodwill of an agency official or  
457 employee. The term ~~"Lobbies"~~ also means influencing or  
458 attempting to influence, on behalf of another, the Constitution  
459 Revision Commission's action or nonaction through oral or  
460 written communication or an attempt to obtain the goodwill of a  
461 member or employee of the Constitution Revision Commission.

462 (h) "Lobbyist" means a person who is employed and receives  
463 payment, or who contracts for economic consideration, for the  
464 purpose of lobbying, or a person who is principally employed for



12-01601-20

20201530\_\_

465 governmental affairs by another person or governmental entity to  
466 lobby on behalf of that other person or governmental entity. For  
467 purposes of this paragraph, the phrase "principally employed for  
468 governmental affairs" means that one of the principal or most  
469 significant responsibilities of the employee to the employer is  
470 overseeing the employer's various relationships with government  
471 or representing the employer in its contacts with government.

472 The term "Lobbyist" does not include a person who is:

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

477 2. An officer or employee of an agency, ~~or of~~ a legislative  
478 or judicial branch entity, or a political subdivision of this  
479 state acting in the normal course of his or her office or  
480 duties.

481 3. A confidential informant who is providing, or wishes to  
482 provide, confidential information to be used for law enforcement  
483 purposes.

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

487 (3) A person may not lobby an agency until such person has  
488 electronically registered as a lobbyist with the commission.  
489 Such registration shall be due upon initially being retained to  
490 lobby and is renewable on a calendar year basis thereafter. The  
491 commission shall request authorization from the principal with  
492 the principal's name, business address, e-mail address, and  
493 telephone number to confirm that the registrant is authorized to

12-01601-20

20201530\_\_

494 ~~represent the principal~~ Upon registration the person shall  
495 ~~provide a statement signed by the principal or principal's~~  
496 ~~representative that the registrant is authorized to represent~~  
497 ~~the principal.~~ The principal or principal's representative shall  
498 also identify and designate its main business pursuant to the  
499 North American Industry Classification System six-digit  
500 numerical code that most accurately describes the principal's  
501 main business. Registration is not complete until the commission  
502 receives the principal's authorization and the registration fee  
503 ~~on the statement authorizing that lobbyist pursuant to a~~  
504 ~~classification system approved by the commission.~~ The  
505 registration shall require each lobbyist to attest to disclose,  
506 ~~under oath,~~ the following information:

507 (a) Full legal name, e-mail address, telephone number, Name  
508 and business address;

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

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

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

513 (d)(e) The existence of any direct or indirect business  
514 association, partnership, or financial relationship with any  
515 employee of an agency with which he or she lobbies, or intends  
516 to lobby, as disclosed in the registration.

517 (5) (a) 1. Each lobbying firm shall file a compensation  
518 report with the commission for each calendar quarter during any  
519 portion of which one or more of the firm's lobbyists were  
520 registered to represent a principal. The report shall include  
521 the:

522 a. Full name, e-mail address, business address, and

12-01601-20

20201530\_\_

- 523 telephone number of the lobbying firm;
- 524       b. Name of each of the firm's lobbyists; and
- 525       c. Total compensation provided or owed to the lobbying firm
- 526 from all principals for the reporting period, reported in one of
- 527 the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999;
- 528 \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to
- 529 \$999,999; \$1 million or more.
- 530       2. For each principal represented by one or more of the
- 531 firm's lobbyists, the lobbying firm's compensation report shall
- 532 also include the:
- 533       a. Full name, e-mail address, business address, and
- 534 telephone number of the principal; and
- 535       b. Total compensation provided or owed to the lobbying firm
- 536 for the reporting period, reported in one of the following
- 537 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to
- 538 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or
- 539 more. If the category "\$50,000 or more" is selected, the
- 540 specific dollar amount of compensation must be reported, rounded
- 541 up or down to the nearest \$1,000.
- 542       3. If the lobbying firm subcontracts work from another
- 543 lobbying firm and not from the original principal:
- 544       a. The lobbying firm providing the work to be subcontracted
- 545 shall be treated as the reporting lobbying firm's principal for
- 546 reporting purposes under this paragraph; and
- 547       b. The reporting lobbying firm shall, for each lobbying
- 548 firm identified under subparagraph 2., identify the name and
- 549 address of the principal originating the lobbying work.
- 550       4. The senior partner, officer, or owner of the lobbying
- 551 firm shall certify to the veracity and completeness of the

12-01601-20

20201530\_\_

552 information submitted pursuant to this paragraph.

553 (7) A lobbyist shall promptly send a written statement to  
554 the commission canceling the designation of registration for a  
555 principal in his or her registration upon termination of such  
556 ~~the lobbyist's representation of that principal.~~ The commission  
557 may cancel a lobbyist's designation of a principal upon the  
558 principal's notification that the lobbyist is no longer  
559 authorized to represent the principal ~~Notwithstanding this~~  
560 ~~requirement, the commission may remove the name of a lobbyist~~  
561 ~~from the list of registered lobbyists if the principal notifies~~  
562 ~~the office that a person is no longer authorized to represent~~  
563 ~~that principal.~~

564 (8) (a) The commission shall investigate every sworn  
565 complaint that is filed with it alleging that a person covered  
566 by this section has failed to register, has failed to submit a  
567 compensation report, has made a prohibited expenditure, or has  
568 knowingly submitted false information in any report or  
569 registration required in this section.

570 (b) All proceedings, the complaint, and other records  
571 relating to the investigation are confidential and exempt from  
572 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
573 Constitution, and any meetings held pursuant to an investigation  
574 are exempt from the provisions of s. 286.011(1) and s. 24(b),  
575 Art. I of the State Constitution either until the alleged  
576 violator requests in writing that such investigation and  
577 associated records and meetings be made public or until the  
578 commission determines, based on the investigation, whether  
579 probable cause exists to believe that a violation has occurred.

580 (c) The commission shall investigate any lobbying firm,

12-01601-20

20201530\_\_

581 lobbyist, principal, agency, officer, or employee upon receipt  
582 of information from a sworn complaint or from a random audit of  
583 lobbying reports indicating that the individual or entity has  
584 intentionally failed to disclose any material fact or has  
585 knowingly submitted false information in any report required by  
586 this section or by rules adopted pursuant to this section ~~a~~  
587 ~~possible violation other than a late-filed report.~~

588 (d) Notwithstanding paragraphs (a)-(c), the commission may  
589 dismiss any complaint or investigation resulting from a random  
590 audit of lobbying reports, at any stage of disposition, if it  
591 determines that the public interest is not served by proceeding  
592 further, in which case the commission shall issue a public  
593 report stating with particularity its reasons for the dismissal.

594 (e)1. Records relating to an audit conducted pursuant to  
595 this section or an investigation conducted pursuant to this  
596 section or s. 112.32155 are confidential and exempt from s.  
597 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

601 3. The exemptions no longer apply if the lobbying firm  
602 requests in writing that such investigation and associated  
603 records and meetings be made public or the commission determines  
604 there is probable cause that the audit reflects a violation of  
605 the reporting laws.

606 (15) The commission shall adopt rules to administer this  
607 section, which shall prescribe forms for registration and  
608 compensation reports, procedures for registration, and  
609 procedures that will prevent disclosure of information that is

12-01601-20

20201530\_\_

610 confidential as provided in this section.

611 Section 7. Section 420.5061, Florida Statutes, is amended  
612 to read:

613 420.5061 Transfer of agency assets and liabilities.—The  
614 corporation is the legal successor in all respects to the  
615 agency, is obligated to the same extent as the agency under any  
616 agreements existing on December 31, 1997, and is entitled to any  
617 rights and remedies previously afforded the agency by law or  
618 contract, including specifically the rights of the agency under  
619 chapter 201 and part VI of chapter 159. Effective January 1,  
620 1998, all references under Florida law to the agency are deemed  
621 to mean the corporation. The corporation shall transfer to the  
622 General Revenue Fund an amount which otherwise would have been  
623 deducted as a service charge pursuant to s. 215.20(1) if the  
624 Florida Housing Finance Corporation Fund established by s.  
625 420.508(5), the State Apartment Incentive Loan Fund established  
626 by s. 420.5087(7), the Florida Homeownership Assistance Fund  
627 established by s. 420.5088(4), the HOME Investment Partnership  
628 Fund established by s. 420.5089(1), and the Housing  
629 Predevelopment Loan Fund established by s. 420.525(1) were each  
630 trust funds. For purposes of s. 112.313, the corporation is  
631 deemed to be a continuation of the agency, and the provisions  
632 thereof are deemed to apply as if the same entity remained in  
633 place. ~~Any employees of the agency and agency board members~~  
634 ~~covered by s. 112.313(9)(a)6. shall continue to be entitled to~~  
635 ~~the exemption in that subparagraph, notwithstanding being hired~~  
636 ~~by the corporation or appointed as board members of the~~  
637 ~~corporation.~~

638 Section 8. This act shall take effect July 1, 2020.