

1                                   A bill to be entitled  
2           An act relating to ethics for public officers  
3           and employees; amending s. 104.31, F.S.;  
4           prohibiting employees of the state and its  
5           political subdivisions from participating in a  
6           political campaign; amending s. 112.313, F.S.;  
7           prohibiting certain disclosures or use by a  
8           former public officer, agency employee, or  
9           local government attorney; redefining the term  
10          "employee" to include certain  
11          other-personal-services employees for certain  
12          postemployment activities; clarifying that  
13          existing postemployment restrictions apply to  
14          certain agency employees; providing an  
15          exemption from provisions prohibiting conflicts  
16          in employment to a person who, after serving on  
17          an advisory board, files a statement with the  
18          Commission on Ethics relating to a bid or  
19          submission; providing definitions; amending s.  
20          112.3144, F.S.; specifying how assets and  
21          liabilities valued in excess of \$1,000 are to  
22          be reported by a reporting individual;  
23          conforming a cross-reference; amending s.  
24          112.3145, F.S.; requiring that a delinquency  
25          notice be sent to certain officeholders by  
26          certified mail, return receipt requested;  
27          amending s. 112.3147, F.S.; deleting certain  
28          provisions relating to reporting the value of  
29          assets; amending s. 112.3148, F.S.; providing  
30          requirements for persons who have left office  
31          or employment as to filing a report relating to

1 | gifts; revising certain filing deadlines;  
2 | amending s. 112.3149, F.S.; requiring that a  
3 | report of honoraria by a person who left office  
4 | or employment be filed by a specified date;  
5 | amending s. 112.317, F.S.; authorizing the  
6 | commission to recommend a restitution penalty  
7 | be paid to the agency or the General Revenue  
8 | Fund; authorizing the Attorney General to  
9 | recover costs for filing suit to collect  
10 | penalties and fines; deleting provisions  
11 | imposing a penalty for the disclosure of  
12 | information concerning a complaint or an  
13 | investigation; amending s. 112.3185, F.S.;  
14 | providing additional standards for state agency  
15 | employees relating to procurement of goods and  
16 | services by a state agency; authorizing an  
17 | employee whose position was eliminated to  
18 | engage in certain contractual activities;  
19 | amending s. 112.321, F.S.; prohibiting an  
20 | individual who qualifies as a lobbyist from  
21 | serving on the commission; prohibiting a member  
22 | of the commission from lobbying any state or  
23 | local governmental entity; providing exceptions  
24 | for individuals who are members of the  
25 | commission on July 1, 2006, until the  
26 | expiration of their current terms; amending s.  
27 | 11.045, F.S.; redefining the term "expenditure"  
28 | for purposes of provisions governing lobbying  
29 | before the Legislature; amending s. 112.3215,  
30 | F.S.; redefining the term "expenditure" for  
31 | purposes of provisions governing lobbying

1 before the executive branch or the Constitution  
2 Revision Commission; applying requirements  
3 concerning lobbying to county officers;  
4 defining the term "county officer"; requiring  
5 the commission to adopt a rule detailing the  
6 grounds for waiving a fine and the procedures  
7 when a lobbyist fails to timely file his or her  
8 report; requiring automatic suspension of  
9 certain lobbyist registrations if the fine is  
10 not timely paid; requiring the commission to  
11 provide written notice to affected principals  
12 when a lobbyist's registration is automatically  
13 suspended and reinstated; amending s. 112.322,  
14 F.S.; authorizing travel and per diem expenses  
15 for certain witnesses; amending s. 914.21,  
16 F.S.; redefining the terms "official  
17 investigation" and "official proceeding," for  
18 purposes of provisions relating to tampering  
19 with witnesses, to include an investigation by  
20 or proceeding before the Commission on Ethics;  
21 providing effective dates.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Present subsections (2) and (3) of section  
26 104.31, Florida Statutes, are redesignated as subsections (3)  
27 and (4), respectively, and a new subsection (2) is added to  
28 that section, to read:

29 104.31 Political activities of state, county, and  
30 municipal officers and employees.--

31

1           (2) An employee of the state or any political  
 2 subdivision may not participate in any political campaign for  
 3 an elective office while on duty.

4           Section 2. Subsection (8), paragraph (a) of subsection  
 5 (9), paragraph (b) of subsection (12), and subsection (14) of  
 6 section 112.313, Florida Statutes, are amended to read:

7           112.313 Standards of conduct for public officers,  
 8 employees of agencies, and local government attorneys.--

9           (8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A  
 10 current or former ~~no~~ public officer, employee of an agency, or  
 11 local government attorney may not shall disclose or use  
 12 information not available to members of the general public and  
 13 gained by reason of his or her official position, except for  
 14 information relating exclusively to governmental practices,  
 15 for his or her personal gain or benefit or for the personal  
 16 gain or benefit of any other person or business entity.

17           (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT  
 18 FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

19           (a)1. It is the intent of the Legislature to implement  
 20 by statute the provisions of s. 8(e), Art. II of the State  
 21 Constitution relating to legislators, statewide elected  
 22 officers, appointed state officers, and designated public  
 23 employees.

24           2. As used in this paragraph:

25           a. "Employee" means:

26           (I) Any person employed in the executive or  
 27 legislative branch of government holding a position in the  
 28 Senior Management Service as defined in s. 110.402 or any  
 29 person holding a position in the Selected Exempt Service as  
 30 defined in s. 110.602 or any person having authority over  
 31

1 policy or procurement employed by the Department of the  
2 Lottery.

3 (II) The Auditor General, the director of the Office  
4 of Program Policy Analysis and Government Accountability, the  
5 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
6 at Arms and Clerk of the House of Representatives.

7 (III) The executive director of the Legislative  
8 Committee on Intergovernmental Relations and the executive  
9 director and deputy executive director of the Commission on  
10 Ethics.

11 (IV) An executive director, staff director, or deputy  
12 staff director of each joint committee, standing committee, or  
13 select committee of the Legislature; an executive director,  
14 staff director, executive assistant, analyst, or attorney of  
15 the Office of the President of the Senate, the Office of the  
16 Speaker of the House of Representatives, the Senate Majority  
17 Party Office, Senate Minority Party Office, House Majority  
18 Party Office, or House Minority Party Office; or any person,  
19 hired on a contractual basis, having the power normally  
20 conferred upon such persons, by whatever title.

21 (V) The Chancellor and Vice Chancellors of the State  
22 University System; the general counsel to the Board of  
23 Regents; and the president, vice presidents, and deans of each  
24 state university.

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

28 b. "Appointed state officer" means any member of an  
29 appointive board, commission, committee, council, or authority  
30 of the executive or legislative branch of state government  
31 whose powers, jurisdiction, and authority are not solely

1 advisory and include the final determination or adjudication  
2 of any personal or property rights, duties, or obligations,  
3 other than those relative to its internal operations.

4 c. "State agency" means an entity of the legislative,  
5 executive, or judicial branch of state government over which  
6 the Legislature exercises plenary budgetary and statutory  
7 control.

8 3. No member of the Legislature, appointed state  
9 officer, or statewide elected officer shall personally  
10 represent another person or entity for compensation before the  
11 government body or agency of which the individual was an  
12 officer or member for a period of 2 years following vacation  
13 of office. No member of the Legislature shall personally  
14 represent another person or entity for compensation during his  
15 or her term of office before any state agency other than  
16 judicial tribunals or in settlement negotiations after the  
17 filing of a lawsuit.

18 4. An ~~no~~ agency employee, including an agency employee  
19 who was employed on July 1, 2001, in a Career Service System  
20 position that was transferred to the Selected Exempt Service  
21 System under chapter 2001-43, Laws of Florida, may not ~~shall~~  
22 personally represent another person or entity for compensation  
23 before the agency with which he or she was employed for a  
24 period of 2 years following vacation of position, unless  
25 employed by another agency of state government.

26 5. Any person violating this paragraph shall be  
27 subject to the penalties provided in s. 112.317 and a civil  
28 penalty of an amount equal to the compensation which the  
29 person receives for the prohibited conduct.

30 6. This paragraph is not applicable to:  
31

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

3 b. A person who was employed by the Legislature or  
4 other agency on July 1, 1989, whether or not the person was a  
5 defined employee on July 1, 1989;

6 c. A person who was a defined employee of the State  
7 University System or the Public Service Commission who held  
8 such employment on December 31, 1994;

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

12 e. Any appointed state officer whose term of office  
13 began before January 1, 1995, unless reappointed to that  
14 office on or after January 1, 1995.

15 (12) EXEMPTION.--The requirements of subsections (3)  
16 and (7) as they pertain to persons serving on advisory boards  
17 may be waived in a particular instance by the body which  
18 appointed the person to the advisory board, upon a full  
19 disclosure of the transaction or relationship to the  
20 appointing body prior to the waiver and an affirmative vote in  
21 favor of waiver by two-thirds vote of that body. In instances  
22 in which appointment to the advisory board is made by an  
23 individual, waiver may be effected, after public hearing, by a  
24 determination by the appointing person and full disclosure of  
25 the transaction or relationship by the appointee to the  
26 appointing person. In addition, no person shall be held in  
27 violation of subsection (3) or subsection (7) if:

28 (b) The business is awarded under a system of sealed,  
29 competitive bidding to the lowest or best bidder and:

30 1. The official or the official's spouse or child has  
31 in no way participated in the determination of the bid

1 specifications or the determination of the lowest or best  
2 bidder;

3         2. The official or the official's spouse or child has  
4 in no way used or attempted to use the official's influence to  
5 persuade the agency or any personnel thereof to enter such a  
6 contract other than by the mere submission of the bid; and

7         3. The official, prior to or at the time of the  
8 submission of the bid, has filed a statement with the  
9 Commission on Ethics ~~Department of State~~, if the official is a  
10 state officer or employee, or with the supervisor of elections  
11 of the county in which the agency has its principal office, if  
12 the official is an officer or employee of a political  
13 subdivision, disclosing the official's interest, or the  
14 interest of the official's spouse or child, and the nature of  
15 the intended business.

16         (14) LOBBYING BY FORMER LOCAL OFFICERS;  
17 PROHIBITION.--A person who has been elected to any county,  
18 municipal, special district, or school district office may not  
19 personally represent another person or entity for compensation  
20 before the government governing body or agency of which the  
21 person was an officer for a period of 2 years after vacating  
22 that office. For purposes of this subsection:

23         (a) The "government body or agency" of a member of a  
24 board of county commissioners consists of the commission, the  
25 chief administrative officer or employee of the county, and  
26 their immediate support staff.

27         (b) The "government body or agency" of any other  
28 county elected officer is the office or department headed by  
29 that officer, including all subordinate employees.

30         (c) The "government body or agency" of an elected  
31 municipal officer consists of the governing body of the

1 municipality, the chief administrative officer or employee of  
2 the municipality, and their immediate support staff.

3 (d) The "government body or agency" of an elected  
4 special district officer is the special district.

5 (e) The "government body or agency" of an elected  
6 school district officer is the school district.

7 Section 3. Present subsection (4) of section 112.3144,  
8 Florida Statutes, is redesignated as subsection (5) and  
9 amended, present subsections (5) and (6) of that section are  
10 redesignated as subsections (6) and (7), respectively, and a  
11 new subsection (4) is added to that section, to read:

12 112.3144 Full and public disclosure of financial  
13 interests.--

14 (4)(a) With respect to reporting, on forms prescribed  
15 under this section, assets valued in excess of \$1,000 which  
16 the reporting individual holds jointly with another person,  
17 the amount reported shall be based on the reporting  
18 individual's legal percentage of ownership in the property.  
19 However, assets that are held jointly, with right of  
20 survivorship, must be reported at 100 percent of the value of  
21 the asset. For purposes of this subsection, a reporting  
22 individual is deemed to own a percentage of a partnership  
23 which is equal to the reporting individual's interest in the  
24 capital or equity of the partnership.

25 (b)1. With respect to reporting liabilities valued in  
26 excess of \$1,000 on forms prescribed under this section for  
27 which the reporting individual is jointly and severally  
28 liable, the amount reported shall be based on the reporting  
29 individual's percentage of liability rather than the total  
30 amount of the liability. However, liability for a debt that is  
31 secured by property owned by the reporting individual but that

1 is held jointly, with right of survivorship, must be reported  
2 at 100 percent of the total amount owed.

3 2. A separate section of the form shall be created to  
4 provide for the reporting of the amounts of joint and several  
5 liability of the reporting individual not otherwise reported  
6 in subparagraph 1.

7 ~~(5)(4)~~ Forms for compliance with the full and public  
8 disclosure requirements of s. 8, Art. II of the State  
9 Constitution shall be created by the Commission on Ethics. The  
10 commission shall give notice of disclosure deadlines and  
11 delinquencies and distribute forms in the following manner:

12 (a) Not later than May 1 of each year, the commission  
13 shall prepare a current list of the names and addresses of and  
14 the offices held by every person required to file full and  
15 public disclosure annually by s. 8, Art. II of the State  
16 Constitution, or other state law. In compiling the list, the  
17 commission shall be assisted by each unit of government in  
18 providing at the request of the commission the name, address,  
19 and name of the office held by each public official within the  
20 respective unit of government.

21 (b) Not later than 30 days before July 1 of each year,  
22 the commission shall mail a copy of the form prescribed for  
23 compliance with full and public disclosure and a notice of the  
24 filing deadline to each person on the mailing list.

25 (c) Not later than 30 days after July 1 of each year,  
26 the commission shall determine which persons on the mailing  
27 list have failed to file full and public disclosure and shall  
28 send delinquency notices by certified mail to such persons.  
29 Each notice shall state that a grace period is in effect until  
30 September 1 of the current year.

31

1 (d) Statements must be filed not later than 5 p.m. of  
2 the due date. However, any statement that is postmarked by the  
3 United States Postal Service by midnight of the due date is  
4 deemed to have been filed in a timely manner, and a  
5 certificate of mailing obtained from and dated by the United  
6 States Postal Service at the time of the mailing, or a receipt  
7 from an established courier company which bears a date on or  
8 before the due date, constitutes proof of mailing in a timely  
9 manner.

10 (e) Any person who is required to file full and public  
11 disclosure of financial interests and whose name is on the  
12 commission's mailing list but who fails to timely file is  
13 assessed a fine of \$25 per day for each day late up to a  
14 maximum of \$1,500; however this \$1,500 limitation on automatic  
15 fines does not limit the civil penalty that may be imposed if  
16 the statement is filed more than 60 days after the deadline  
17 and a complaint is filed, as provided in s. 112.324. The  
18 commission must provide by rule the grounds for waiving the  
19 fine and the procedures by which each person whose name is on  
20 the mailing list and who is determined to have not filed in a  
21 timely manner will be notified of assessed fines and may  
22 appeal. The rule must provide for and make specific the  
23 following:

24 1. The amount of the fine due is based upon the  
25 earliest of the following:

26 a. When a statement is actually received by the  
27 office.

28 b. When the statement is postmarked.

29 c. When the certificate of mailing is dated.

30 d. When the receipt from an established courier  
31 company is dated.

1           2. Upon receipt of the disclosure statement or upon  
2 accrual of the maximum penalty, whichever occurs first, the  
3 commission shall determine the amount of the fine which is due  
4 and shall notify the delinquent person. The notice must  
5 include an explanation of the appeal procedure under  
6 subparagraph 3. Such fine must be paid within 30 days after  
7 the notice of payment due is transmitted, unless appeal is  
8 made to the commission pursuant to subparagraph 3. The moneys  
9 shall be deposited into the General Revenue Fund.

10           3. Any reporting person may appeal or dispute a fine,  
11 based upon unusual circumstances surrounding the failure to  
12 file on the designated due date, and may request and is  
13 entitled to a hearing before the commission, which may waive  
14 the fine in whole or in part for good cause shown. Any such  
15 request must be made within 30 days after the notice of  
16 payment due is transmitted. In such a case, the reporting  
17 person must, within the 30-day period, notify the person  
18 designated to review the timeliness of reports in writing of  
19 his or her intention to bring the matter before the  
20 commission.

21           (f) Any person subject to the annual filing of full  
22 and public disclosure under s. 8, Art. II of the State  
23 Constitution, or other state law, whose name is not on the  
24 commission's mailing list of persons required to file full and  
25 public disclosure is not subject to the fines or penalties  
26 provided in this part for failure to file full and public  
27 disclosure in any year in which the omission occurred, but  
28 nevertheless is required to file the disclosure statement.

29           (g) The notification requirements and fines of this  
30 subsection do not apply to candidates or to the first filing  
31 required of any person appointed to elective constitutional

1 office or other position required to file full and public  
2 disclosure, unless the person's name is on the commission's  
3 notification list and the person received notification from  
4 the commission. The appointing official shall notify such  
5 newly appointed person of the obligation to file full and  
6 public disclosure by July 1. The notification requirements and  
7 fines of this subsection do not apply to the final filing  
8 provided for in subsection (6)~~(5)~~.

9 (h) Notwithstanding any provision of chapter 120, any  
10 fine imposed under this subsection which is not waived by  
11 final order of the commission and which remains unpaid more  
12 than 60 days after the notice of payment due or more than 60  
13 days after the commission renders a final order on the appeal  
14 must be submitted to the Department of Financial Services as a  
15 claim, debt, or other obligation owed to the state, and the  
16 department shall assign the collection of such fine to a  
17 collection agent as provided in s. 17.20.

18 Section 4. Paragraph (c) of subsection (6) of section  
19 112.3145, Florida Statutes, is amended to read:

20 112.3145 Disclosure of financial interests and clients  
21 represented before agencies.--

22 (6) Forms for compliance with the disclosure  
23 requirements of this section and a current list of persons  
24 subject to disclosure shall be created by the commission and  
25 provided to each supervisor of elections. The commission and  
26 each supervisor of elections shall give notice of disclosure  
27 deadlines and delinquencies and distribute forms in the  
28 following manner:

29 (c) Not later than 30 days after July 1 of each year,  
30 the commission and each supervisor of elections shall  
31 determine which persons required to file a statement of

1 financial interests in their respective offices have failed to  
2 do so and shall send delinquency notices by certified mail,  
3 return receipt requested, to these ~~such~~ persons. Each notice  
4 shall state that a grace period is in effect until September 1  
5 of the current year; that no investigative or disciplinary  
6 action based upon the delinquency will be taken by the agency  
7 head or commission if the statement is filed by September 1 of  
8 the current year; that, if the statement is not filed by  
9 September 1 of the current year, a fine of \$25 for each day  
10 late will be imposed, up to a maximum penalty of \$1,500; for  
11 notices sent by a supervisor of elections, that he or she is  
12 required by law to notify the commission of the delinquency;  
13 and that, if upon the filing of a sworn complaint the  
14 commission finds that the person has failed to timely file the  
15 statement within 60 days after September 1 of the current  
16 year, such person will also be subject to the penalties  
17 provided in s. 112.317.

18 Section 5. Section 112.3147, Florida Statutes, is  
19 amended to read:

20 112.3147 Forms.--

21 ~~(1)~~ All information required to be furnished by ss.  
22 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149  
23 and by s. 8, Art. II of the State Constitution shall be on  
24 forms prescribed by the Commission on Ethics.

25 ~~(2)(a) With respect to reporting assets valued in~~  
26 ~~excess of \$1,000 on forms prescribed pursuant to s. 112.3144~~  
27 ~~which the reporting individual holds jointly with another~~  
28 ~~person, the amount reported shall be based on the reporting~~  
29 ~~individual's legal percentage of ownership in the property,~~  
30 ~~except that assets held jointly with the reporting~~  
31 ~~individual's spouse shall be reported at 100 percent of the~~

1 ~~value of the asset. For purposes of this subsection, a~~  
2 ~~reporting individual is deemed to own an interest in a~~  
3 ~~partnership which corresponds to the reporting individual's~~  
4 ~~interest in the capital or equity of the partnership.~~

5 ~~(b)1. With respect to reporting liabilities valued in~~  
6 ~~excess of \$1,000 on forms prescribed pursuant to s. 112.3144~~  
7 ~~for which the reporting individual is jointly and severally~~  
8 ~~liable, the amount reported shall be based upon the reporting~~  
9 ~~individual's percentage of liability rather than the total~~  
10 ~~amount of the liability, except, a joint and several liability~~  
11 ~~with the reporting individual's spouse for a debt which~~  
12 ~~relates to property owned by both as tenants by the entirety~~  
13 ~~shall be reported at 100 percent of the total amount owed.~~

14 ~~2. A separate section of the form shall be created to~~  
15 ~~provide for the reporting of the amounts of joint and several~~  
16 ~~liability of the reporting individual not otherwise reported~~  
17 ~~in paragraph (a).~~

18 Section 6. Paragraph (d) of subsection (6) and  
19 subsection (8) of section 112.3148, Florida Statutes, are  
20 amended to read:

21 112.3148 Reporting and prohibited receipt of gifts by  
22 individuals filing full or limited public disclosure of  
23 financial interests and by procurement employees.--

24 (6)

25 (d) No later than July 1 of each year, each reporting  
26 individual or procurement employee shall file a statement  
27 listing each gift having a value in excess of \$100 received by  
28 the reporting individual or procurement employee, either  
29 directly or indirectly, from a governmental entity or a  
30 direct-support organization specifically authorized by law to  
31 support a governmental entity. The statement shall list the

1 name of the person providing the gift, a description of the  
2 gift, the date or dates on which the gift was given, and the  
3 value of the total gifts given during the calendar year for  
4 which the report is made. The reporting individual or  
5 procurement employee shall attach to the ~~such~~ statement any  
6 report received by him or her in accordance with paragraph  
7 (c), which report shall become a public record when filed with  
8 the statement of the reporting individual or procurement  
9 employee. The reporting individual or procurement employee may  
10 explain any differences between the report of the reporting  
11 individual or procurement employee and the attached reports.  
12 The annual report filed by a reporting individual shall be  
13 filed with the financial disclosure statement required by  
14 either s. 8, Art. II of the State Constitution or s. 112.3145,  
15 as applicable to the reporting individual. The annual report  
16 filed by a procurement employee shall be filed with the  
17 Commission on Ethics. The report filed by a reporting  
18 individual or procurement employee who left office or  
19 employment during the calendar year covered by the report  
20 shall be filed by July 1 of the year after leaving office or  
21 employment at the same location as his or her final financial  
22 disclosure statement or, in the case of a former procurement  
23 employee, with the Commission on Ethics.

24 (8)(a) Each reporting individual or procurement  
25 employee shall file a statement with the Commission on Ethics  
26 not later than ~~on~~ the last day of each calendar quarter, for  
27 the previous calendar quarter, containing a list of gifts  
28 which he or she believes to be in excess of \$100 in value, if  
29 any, accepted by him or her, for which compensation was not  
30 provided by the donee to the donor within 90 days of receipt  
31

1 of the gift to reduce the value to \$100 or less, except the  
2 following:

- 3 1. Gifts from relatives.
- 4 2. Gifts prohibited by subsection (4) or s.  
5 112.313(4).
- 6 3. Gifts otherwise required to be disclosed by this  
7 section.

8 (b) The statement shall include:

9 1. A description of the gift, the monetary value of  
10 the gift, the name and address of the person making the gift,  
11 and the dates thereof. If any of these facts, other than the  
12 gift description, are unknown or not applicable, the report  
13 shall so state.

14 2. A copy of any receipt for such gift provided to the  
15 reporting individual or procurement employee by the donor.

16 (c) The statement may include an explanation of any  
17 differences between the reporting individual's or procurement  
18 employee's statement and the receipt provided by the donor.

19 (d) The reporting individual's or procurement  
20 employee's statement shall be sworn to by such person as being  
21 a true, accurate, and total listing of all such gifts.

22 (e) Statements must be filed not later than 5 p.m. of  
23 the due date. However, any statement that is postmarked by the  
24 United States Postal Service by midnight of the due date is  
25 deemed to have been filed in a timely manner, and a  
26 certificate of mailing obtained from and dated by the United  
27 States Postal Service at the time of the mailing, or a receipt  
28 from an established courier company, which bears a date on or  
29 before the due date constitutes proof of mailing in a timely  
30 manner.

31

1            ~~(f)(e)~~ If a reporting individual or procurement  
2 employee has not received any gifts described in paragraph (a)  
3 during a calendar quarter, he or she is not required to file a  
4 statement under this subsection for that calendar quarter.

5            Section 7. Subsection (6) of section 112.3149, Florida  
6 Statutes, is amended to read:

7            112.3149 Solicitation and disclosure of honoraria.--

8            (6) A reporting individual or procurement employee who  
9 receives payment or provision of expenses related to any  
10 honorarium event from a person who is prohibited by subsection  
11 (4) from paying an honorarium to a reporting individual or  
12 procurement employee shall publicly disclose on an annual  
13 statement the name, address, and affiliation of the person  
14 paying or providing the expenses; the amount of the honorarium  
15 expenses; the date of the honorarium event; a description of  
16 the expenses paid or provided on each day of the honorarium  
17 event; and the total value of the expenses provided to the  
18 reporting individual or procurement employee in connection  
19 with the honorarium event. The annual statement of honorarium  
20 expenses shall be filed by July 1 of each year for those ~~such~~  
21 expenses received during the previous calendar year. The  
22 reporting individual or procurement employee shall attach to  
23 the annual statement a copy of each statement received by him  
24 or her in accordance with subsection (5) regarding honorarium  
25 expenses paid or provided during the calendar year for which  
26 the annual statement is filed. The ~~Such~~ attached statement  
27 shall become a public record upon the filing of the annual  
28 report. The annual statement of a reporting individual shall  
29 be filed with the financial disclosure statement required by  
30 either s. 8, Art. II of the State Constitution or s. 112.3145,  
31 as applicable to the reporting individual. The annual

1 statement of a procurement employee shall be filed with the  
2 Commission on Ethics. The statement filed by a reporting  
3 individual or procurement employee who left office or  
4 employment during the calendar year covered by the statement  
5 shall be filed by July 1 of the year after leaving office or  
6 employment at the same location as his or her final financial  
7 disclosure statement or, in the case of a former procurement  
8 employee, with the Commission on Ethics.

9 Section 8. Subsections (1), (2), (6), (7), and (8) of  
10 section 112.317, Florida Statutes, are amended to read:

11 112.317 Penalties.--

12 (1) Violation of any provision of this part,  
13 including, but not limited to, any failure to file any  
14 disclosures required by this part or violation of any standard  
15 of conduct imposed by this part, or violation of any provision  
16 of s. 8, Art. II of the State Constitution, in addition to any  
17 criminal penalty or other civil penalty involved, shall, under  
18 ~~pursuant to~~ applicable constitutional and statutory  
19 procedures, constitute grounds for, and may be punished by,  
20 one or more of the following:

21 (a) In the case of a public officer:

- 22 1. Impeachment.
- 23 2. Removal from office.
- 24 3. Suspension from office.
- 25 4. Public censure and reprimand.
- 26 5. Forfeiture of no more than one-third salary per  
27 month for no more than 12 months.
- 28 6. A civil penalty not to exceed \$10,000.
- 29 7. Restitution of any pecuniary benefits received  
30 because of the violation committed. The commission may  
31 recommend that the restitution penalty be paid to the agency

1 of which the public officer was a member or to the General  
 2 Revenue Fund.

3 (b) In the case of an employee or a person designated  
 4 as a public officer by this part who otherwise would be deemed  
 5 to be an employee:

- 6 1. Dismissal from employment.
- 7 2. Suspension from employment for not more than 90  
 8 days without pay.
- 9 3. Demotion.
- 10 4. Reduction in salary level.
- 11 5. Forfeiture of no more than one-third salary per  
 12 month for no more than 12 months.
- 13 6. A civil penalty not to exceed \$10,000.
- 14 7. Restitution of any pecuniary benefits received  
 15 because of the violation committed. The commission may  
 16 recommend that the restitution penalty be paid to the agency  
 17 by which the public employee was employed, or of which the  
 18 officer was deemed to be an employee, or to the General  
 19 Revenue Fund.

- 20 8. Public censure and reprimand.

21 (c) In the case of a candidate who violates the  
 22 provisions of this part or s. 8(a) and (i), Art. II of the  
 23 State Constitution:

- 24 1. Disqualification from being on the ballot.
- 25 2. Public censure.
- 26 3. Reprimand.
- 27 4. A civil penalty not to exceed \$10,000.

28 (d) In the case of a former public officer or employee  
 29 who has violated a provision applicable to former officers or  
 30 employees or whose violation occurred before the ~~prior to such~~  
 31 officer's or employee's leaving public office or employment:

1           1. Public censure and reprimand.  
 2           2. A civil penalty not to exceed \$10,000.  
 3           3. Restitution of any pecuniary benefits received  
 4 because of the violation committed. The commission may  
 5 recommend that the restitution penalty be paid to the agency  
 6 of the public officer or employee or to the General Revenue  
 7 Fund.

8           (2) In any case in which the commission finds a  
 9 violation of this part or of s. 8, Art. II of the State  
 10 Constitution and the proper disciplinary official or body  
 11 under s. 112.324 imposes ~~recommends~~ a civil penalty or  
 12 restitution penalty, the Attorney General shall bring a civil  
 13 action to recover such penalty. No defense may be raised in  
 14 the civil action to enforce the civil penalty or order of  
 15 restitution that could have been raised by judicial review of  
 16 the administrative findings and recommendations of the  
 17 commission by certiorari to the district court of appeal. The  
 18 Attorney General shall collect any costs, attorney's fees,  
 19 expert witness fees, or other costs of collection incurred in  
 20 bringing the action.

21           ~~(6) Any person who willfully discloses, or permits to~~  
 22 ~~be disclosed, his or her intention to file a complaint, the~~  
 23 ~~existence or contents of a complaint which has been filed with~~  
 24 ~~the commission, or any document, action, or proceeding in~~  
 25 ~~connection with a confidential preliminary investigation of~~  
 26 ~~the commission, before such complaint, document, action, or~~  
 27 ~~proceeding becomes a public record as provided herein commits~~  
 28 ~~a misdemeanor of the first degree, punishable as provided in~~  
 29 ~~s. 775.082 or s. 775.083.~~

30           ~~(6)(7)~~ (6) In any case in which the commission finds  
 31 probable cause to believe that a complainant has committed

1 perjury in regard to any document filed with, or any testimony  
2 given before, the commission, it shall refer such evidence to  
3 the appropriate law enforcement agency for prosecution and  
4 taxation of costs.

5 ~~(7)(8)~~ In any case in which the commission determines  
6 that a person has filed a complaint against a public officer  
7 or employee with a malicious intent to injure the reputation  
8 of such officer or employee by filing the complaint with  
9 knowledge that the complaint contains one or more false  
10 allegations or with reckless disregard for whether the  
11 complaint contains false allegations of fact material to a  
12 violation of this part, the complainant shall be liable for  
13 costs plus reasonable attorney's fees incurred in the defense  
14 of the person complained against, including the costs and  
15 reasonable attorney's fees incurred in proving entitlement to  
16 and the amount of costs and fees. If the complainant fails to  
17 pay such costs and fees voluntarily within 30 days following  
18 such finding by the commission, the commission shall forward  
19 such information to the Department of Legal Affairs, which  
20 shall bring a civil action in a court of competent  
21 jurisdiction to recover the amount of such costs and fees  
22 awarded by the commission.

23 Section 9. Section 112.3185, Florida Statutes, is  
24 amended to read:

25 112.3185 Additional standards for state agency  
26 employees ~~Contractual services~~.--

27 (1) For the purposes of this section:

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

30 (b) "Agency" means any state officer, department,  
31 board, commission, or council of the executive or judicial

1 branch of state government and includes the Public Service  
2 Commission.

3 (2) ~~An~~ ~~no~~ agency employee who participates through  
4 decision, approval, disapproval, recommendation, preparation  
5 of any part of a purchase request, influencing the content of  
6 any specification or procurement standard, rendering of  
7 advice, investigation, or auditing or in any other advisory  
8 capacity in the procurement of contractual services may not  
9 ~~shall~~ become or be, while an agency employee, the employee of  
10 a person contracting with the agency by whom the employee is  
11 employed.

12 (3) ~~An~~ ~~no~~ agency employee may not shall, after  
13 retirement or termination, have or hold any employment or  
14 contractual relationship with any business entity other than  
15 an agency in connection with any contract in which the agency  
16 employee participated personally and substantially through  
17 decision, approval, disapproval, recommendation, rendering of  
18 advice, or investigation while an officer or employee. When  
19 the agency employee's position is eliminated and his or her  
20 duties are performed by the business entity, this subsection  
21 does not prohibit him or her from employment or contractual  
22 relationship with the business entity if the employee's  
23 participation in the contract was limited to recommendation,  
24 rendering of advice, or investigation and if the agency head  
25 determines that the best interests of the state will be served  
26 thereby and provides prior written approval for the particular  
27 employee.

28 (4) ~~An~~ ~~no~~ agency employee may not shall, within 2  
29 years after retirement or termination, have or hold any  
30 employment or contractual relationship with any business  
31 entity other than an agency in connection with any contract

1 for contractual services which was within his or her  
 2 responsibility while an employee. If the agency employee's  
 3 position is eliminated and his or her duties are performed by  
 4 the business entity, this subsection may be waived by the  
 5 agency head through prior written approval for a particular  
 6 employee if the agency head determines that the best interests  
 7 of the state will be served thereby.

8 (5) The sum of money paid to a former agency employee  
 9 during the first year after the cessation of his or her  
 10 responsibilities, by the agency with whom he or she was  
 11 employed, for contractual services provided to the agency,  
 12 shall not exceed the annual salary received on the date of  
 13 cessation of his or her responsibilities. ~~The provisions of~~  
 14 This subsection may be waived by the agency head for a  
 15 particular contract if the agency head determines that such  
 16 waiver will result in significant time or cost savings for the  
 17 state.

18 (6) ~~An~~ An agency employee acting in an official  
 19 capacity ~~may not shall~~ directly or indirectly procure  
 20 contractual services for his or her own agency from any  
 21 business entity of which a relative is an officer, partner,  
 22 director, or proprietor or in which ~~the~~ such officer or  
 23 employee or his or her spouse or child, or any combination of  
 24 them, has a material interest.

25 (7) A violation of any provision of this section is  
 26 punishable in accordance with s. 112.317.

27 (8) This section is not applicable to any employee of  
 28 the Public Service Commission who was so employed on or before  
 29 December 31, 1994.

30 Section 10. Subsection (1) of section 112.321, Florida  
 31 Statutes, is amended to read:

1           112.321 Membership, terms; travel expenses; staff.--  
2           (1) The commission shall be composed of nine members.  
3 Five of these members shall be appointed by the Governor, no  
4 more than three of whom shall be from the same political  
5 party, subject to confirmation by the Senate. One member  
6 appointed by the Governor shall be a former city or county  
7 official and may be a former member of a local planning or  
8 zoning board which has only advisory duties. Two members  
9 shall be appointed by the Speaker of the House of  
10 Representatives, and two members shall be appointed by the  
11 President of the Senate. Neither the Speaker of the House of  
12 Representatives nor the President of the Senate shall appoint  
13 more than one member from the same political party. Of the  
14 nine members of the Commission, no more than five members  
15 shall be from the same political party at any one time. No  
16 member may hold any public employment. An individual who  
17 qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215  
18 or pursuant to any local government charter or ordinance may  
19 not serve as a member of the commission, except that this  
20 prohibition does not apply to an individual who is a member of  
21 the commission on July 1, 2006, until the expiration of his or  
22 her current term. A member of the commission may not lobby any  
23 state or local governmental entity as provided in s. 11.045 or  
24 s. 112.3215 or as provided by any local government charter or  
25 ordinance, except that this prohibition does not apply to an  
26 individual who is a member of the commission on July 1, 2006,  
27 until the expiration of his or her current term. All members  
28 shall serve 2-year terms. ~~A No~~ member ~~may not shall~~ serve more  
29 than two full terms in succession. Any member of the  
30 commission may be removed for cause by majority vote of the  
31 Governor, the President of the Senate, the Speaker of the

1 House of Representatives, and the Chief Justice of the Supreme  
2 Court.

3 Section 11. Effective upon this act becoming a law,  
4 paragraph (d) of subsection (1) of section 11.045, Florida  
5 Statutes, as amended by section 1 of chapter 2005-359, Laws of  
6 Florida, is amended to read:

7 11.045 Lobbying before the Legislature; registration  
8 and reporting; exemptions; penalties.--

9 (1) As used in this section, unless the context  
10 otherwise requires:

11 (d) "Expenditure" means a payment, distribution, loan,  
12 advance, reimbursement, deposit, or anything of value made by  
13 a lobbyist or principal for the purpose of lobbying. The term  
14 "expenditure" does not include contributions or expenditures  
15 reported pursuant to chapter 106 or federal election law,  
16 campaign-related personal services provided without  
17 compensation by individuals volunteering their time, any other  
18 contribution or expenditure made by or to a political party,  
19 or any other contribution or expenditure made by an  
20 organization that is exempt from taxation under 26 U.S.C. s.  
21 527 or s. 501(c)(4). A contribution made to a political party  
22 regulated under chapter 103 is not deemed an expenditure for  
23 purposes of this section.

24 Section 12. Effective upon this act becoming a law,  
25 paragraph (d) of subsection (1) of section 112.3215, Florida  
26 Statutes, as amended by section 5 of chapter 2005-359, Laws of  
27 Florida, and section 1 of chapter 2005-361, Laws of Florida,  
28 is amended to read:

29 112.3215 Lobbying before the executive branch or the  
30 Constitution Revision Commission; registration and reporting;  
31 investigation by commission.--

1 (1) For the purposes of this section:

2 (d) "Expenditure" means a payment, distribution, loan,  
 3 advance, reimbursement, deposit, or anything of value made by  
 4 a lobbyist or principal for the purpose of lobbying. The term  
 5 "expenditure" does not include contributions or expenditures  
 6 reported pursuant to chapter 106 or federal election law,  
 7 campaign-related personal services provided without  
 8 compensation by individuals volunteering their time, any other  
 9 contribution or expenditure made by or to a political party,  
 10 or any other contribution or expenditure made by an  
 11 organization that is exempt from taxation under 26 U.S.C. s.  
 12 527 or s. 501(c)(4). A contribution made to a political party  
 13 ~~regulated under chapter 103 is not deemed an expenditure for~~  
 14 ~~purposes of this section.~~

15 Section 13. Section 112.3215, Florida Statutes, as  
 16 amended by section 5 of chapter 2005-359, Laws of Florida, and  
 17 section 1 of chapter 2005-361, Laws of Florida, is amended to  
 18 read:

19 112.3215 Lobbying before the executive branch, county  
 20 officers, or the Constitution Revision Commission;  
 21 registration and reporting; investigation by commission.--

22 (1) For the purposes of this section:

23 (a) "Agency" means the Governor, Governor and Cabinet,  
 24 or any department, division, bureau, board, commission, or  
 25 authority of the executive branch. In addition, "agency" shall  
 26 mean a county officer and the Constitution Revision Commission  
 27 as provided by s. 2, Art. XI of the State Constitution.

28 (b) "Agency official" or "employee" means any  
 29 individual who is required by law to file full or limited  
 30 public disclosure of his or her financial interests.

31

1 (c) "Compensation" means a payment, distribution,  
2 loan, advance, reimbursement, deposit, salary, fee, retainer,  
3 or anything of value provided or owed to a lobbying firm,  
4 directly or indirectly, by a principal for any lobbying  
5 activity.

6 (d) "County officer" means a sheriff, a tax collector,  
7 a property appraiser, a supervisor of elections, or a clerk of  
8 the circuit court.

9 ~~(e)(d)~~ "Expenditure" means a payment, distribution,  
10 loan, advance, reimbursement, deposit, or anything of value  
11 made by a lobbyist or principal for the purpose of lobbying. A  
12 contribution made to a political party regulated under chapter  
13 103 is not deemed an expenditure for purposes of this section.

14 ~~(f)(e)~~ "Fund" means the Executive Branch Lobby  
15 Registration Trust Fund.

16 ~~(g)(f)~~ "Lobbies" means seeking, on behalf of another  
17 person, to influence an agency with respect to a decision of  
18 the agency in the area of policy or procurement or an attempt  
19 to obtain the goodwill of an agency official or employee.  
20 "Lobbies" also means influencing or attempting to influence,  
21 on behalf of another, the Constitution Revision Commission's  
22 action or nonaction through oral or written communication or  
23 an attempt to obtain the goodwill of a member or employee of  
24 the Constitution Revision Commission.

25 ~~(h)(g)~~ "Lobbying firm" means a business entity,  
26 including an individual contract lobbyist, that receives or  
27 becomes entitled to receive any compensation for the purpose  
28 of lobbying, where any partner, owner, officer, or employee of  
29 the business entity is a lobbyist.

30 ~~(i)(h)~~ "Lobbyist" means a person who is employed and  
31 receives payment, or who contracts for economic consideration,

1 for the purpose of lobbying, or a person who is principally  
2 employed for governmental affairs by another person or  
3 governmental entity to lobby on behalf of that other person or  
4 governmental entity. "Lobbyist" does not include a person who  
5 is:

6       1. An attorney, or any person, who represents a client  
7 in a judicial proceeding or in a formal administrative  
8 proceeding conducted pursuant to chapter 120 or any other  
9 formal hearing before an agency, board, commission, or  
10 authority of this state.

11       2. An employee of an agency or of a legislative or  
12 judicial branch entity acting in the normal course of his or  
13 her duties.

14       3. A confidential informant who is providing, or  
15 wishes to provide, confidential information to be used for law  
16 enforcement purposes.

17       4. A person who lobbies to procure a contract pursuant  
18 to chapter 287 which contract is less than the threshold for  
19 CATEGORY ONE as provided in s. 287.017(1)(a).

20       ~~(j)(i)~~ "Principal" means the person, firm,  
21 corporation, or other entity which has employed or retained a  
22 lobbyist.

23       (2) The Executive Branch Lobby Registration Trust Fund  
24 is hereby created within the commission to be used for the  
25 purpose of funding any office established to administer the  
26 registration of lobbyists lobbying an agency, including the  
27 payment of salaries and other expenses. The trust fund is not  
28 subject to the service charge to General Revenue provisions of  
29 chapter 215. All annual registration fees collected pursuant  
30 to this section shall be deposited into such fund.

31

1           (3) A person may not lobby an agency until such person  
2 has registered as a lobbyist with the commission. Such  
3 registration shall be due upon initially being retained to  
4 lobby and is renewable on a calendar year basis thereafter.  
5 Upon registration the person shall provide a statement signed  
6 by the principal or principal's representative that the  
7 registrant is authorized to represent the principal. The  
8 principal shall also identify and designate its main business  
9 on the statement authorizing that lobbyist pursuant to a  
10 classification system approved by the commission. The  
11 registration shall require each lobbyist to disclose, under  
12 oath, the following information:

13           (a) Name and business address;

14           (b) The name and business address of each principal  
15 represented;

16           (c) His or her area of interest;

17           (d) The agencies before which he or she will appear;

18 and

19           (e) The existence of any direct or indirect business  
20 association, partnership, or financial relationship with any  
21 employee of an agency with which he or she lobbies, or intends  
22 to lobby, as disclosed in the registration.

23           (4) The annual lobbyist registration fee shall be set  
24 by the commission by rule, not to exceed \$40 for each  
25 principal represented.

26           (5)(a)1. Each lobbying firm shall file a compensation  
27 report with the commission for each calendar quarter during  
28 any portion of which one or more of the firm's lobbyists were  
29 registered to represent a principal. The report shall include  
30 the:

31

- 1           a. Full name, business address, and telephone number  
2 of the lobbying firm;
- 3           b. Name of each of the firm's lobbyists; and
- 4           c. Total compensation provided or owed to the lobbying  
5 firm from all principals for the reporting period, reported in  
6 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to  
7 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000  
8 to \$999,999; \$1 million or more.
- 9           2. For each principal represented by one or more of  
10 the firm's lobbyists, the lobbying firm's compensation report  
11 shall also include the:
- 12           a. Full name, business address, and telephone number  
13 of the principal; and
- 14           b. Total compensation provided or owed to the lobbying  
15 firm for the reporting period, reported in one of the  
16 following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999;  
17 \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or  
18 \$50,000 or more. If the category "\$50,000 or more" is  
19 selected, the specific dollar amount of compensation must be  
20 reported, rounded up or down to the nearest \$1,000.
- 21           3. If the lobbying firm subcontracts work from another  
22 lobbying firm and not from the original principal:
- 23           a. The lobbying firm providing the work to be  
24 subcontracted shall be treated as the reporting lobbying  
25 firm's principal for reporting purposes under this paragraph;  
26 and
- 27           b. The reporting lobbying firm shall, for each  
28 lobbying firm identified under subparagraph 2., identify the  
29 name and address of the principal originating the lobbying  
30 work.
- 31

1           4. The senior partner, officer, or owner of the  
2 lobbying firm shall certify to the veracity and completeness  
3 of the information submitted pursuant to this paragraph, and  
4 certify that no compensation has been omitted from this report  
5 by deeming such compensation as "consulting services," "media  
6 services," "professional services," or anything other than  
7 compensation, and certify that no officer or employee of the  
8 firm has made an expenditure in violation of this section.

9           (b) For each principal represented by more than one  
10 lobbying firm, the commission shall aggregate the  
11 reporting-period and calendar-year compensation reported as  
12 provided or owed by the principal.

13           (c) The reporting statements shall be filed no later  
14 than 45 days after the end of each reporting period. The four  
15 reporting periods are from January 1 through March 31, April 1  
16 through June 30, July 1 through September 30, and October 1  
17 through December 31, respectively.

18           (d) Reports shall be filed not later than 5 p.m. of  
19 the report due date. However, any report that is postmarked by  
20 the United States Postal Service no later than midnight of the  
21 due date shall be deemed to have been filed in a timely  
22 manner, and a certificate of mailing obtained from and dated  
23 by the United States Postal Service at the time of the  
24 mailing, or a receipt from an established courier company  
25 which bears a date on or before the due date, shall be proof  
26 of mailing in a timely manner.

27           (e) The commission shall provide by rule the grounds  
28 for waiving a fine, the procedures ~~a procedure~~ by which a  
29 lobbying firm that fails to timely file a report shall be  
30 notified and assessed fines, and the procedure for appealing  
31 the fines. The rule shall provide for the following:

1           1. Upon determining that the report is late, the  
2 person designated to review the timeliness of reports shall  
3 immediately notify the lobbying firm as to the failure to  
4 timely file the report and that a fine is being assessed for  
5 each late day. The fine shall be \$50 per day per report for  
6 each late day up to a maximum of \$5,000 per late report.

7           2. Upon receipt of the report, the person designated  
8 to review the timeliness of reports shall determine the amount  
9 of the fine due based upon the earliest of the following:

10           a. When a report is actually received by the lobbyist  
11 registration and reporting office.

12           b. When the report is postmarked.

13           c. When the certificate of mailing is dated.

14           d. When the receipt from an established courier  
15 company is dated.

16           3. Such fine shall be paid within 30 days after the  
17 notice of payment due is transmitted by the Lobbyist  
18 Registration Office, unless appeal is made to the commission.  
19 The moneys shall be deposited into the Executive Branch Lobby  
20 Registration Trust Fund.

21           4. A fine shall not be assessed against a lobbying  
22 firm the first time any reports for which the lobbying firm is  
23 responsible are not timely filed. However, to receive the  
24 one-time fine waiver, all reports for which the lobbying firm  
25 is responsible must be filed within 30 days after the notice  
26 that any reports have not been timely filed is transmitted by  
27 the Lobbyist Registration Office. A fine shall be assessed for  
28 any subsequent late-filed reports.

29           5. Any lobbying firm may appeal or dispute a fine,  
30 based upon unusual circumstances surrounding the failure to  
31 file on the designated due date, and may request and shall be

1 entitled to a hearing before the commission, which shall have  
2 the authority to waive the fine in whole or in part for good  
3 cause shown. Any such request shall be made within 30 days  
4 after the notice of payment due is transmitted by the Lobbyist  
5 Registration Office. In such case, the lobbying firm shall,  
6 within the 30-day period, notify the person designated to  
7 review the timeliness of reports in writing of his or her  
8 intention to bring the matter before the commission.

9           6. The person designated to review the timeliness of  
10 reports shall notify the commission of the failure of a  
11 lobbying firm to file a report after notice or of the failure  
12 of a lobbying firm to pay the fine imposed. All lobbyist  
13 registrations for lobbyists who are partners, owners,  
14 officers, or employees of a lobbying firm that fails to timely  
15 pay a fine are automatically suspended until the fine is paid  
16 or waived, and the commission shall promptly notify all  
17 affected principals of each suspension and each reinstatement.

18           7. Notwithstanding any provision of chapter 120, any  
19 fine imposed under this subsection that is not waived by final  
20 order of the commission and that remains unpaid more than 60  
21 days after the notice of payment due or more than 60 days  
22 after the commission renders a final order on the lobbying  
23 firm's appeal shall be collected by the Department of  
24 Financial Services as a claim, debt, or other obligation owed  
25 to the state, and the department may assign the collection of  
26 such fine to a collection agent as provided in s. 17.20.

27           (f) The commission shall adopt a rule which allows  
28 reporting statements to be filed by electronic means, when  
29 feasible.

30           (g) Each lobbying firm and each principal shall  
31 preserve for a period of 4 years all accounts, bills,

1 receipts, computer records, books, papers, and other documents  
2 and records necessary to substantiate compensation. Any  
3 documents and records retained pursuant to this section may be  
4 subpoenaed for audit by the Legislative Auditing Committee  
5 pursuant to s. 11.40, and such subpoena may be enforced in  
6 circuit court.

7 (6)(a) Notwithstanding s. 112.3148, s. 112.3149, or  
8 any other provision of law to the contrary, no lobbyist or  
9 principal shall make, directly or indirectly, and no agency  
10 official, member, or employee shall knowingly accept, directly  
11 or indirectly, any expenditure.

12 (b) No person shall provide compensation for lobbying  
13 to any individual or business entity that is not a lobbying  
14 firm.

15 (7) A lobbyist shall promptly send a written statement  
16 to the commission canceling the registration for a principal  
17 upon termination of the lobbyist's representation of that  
18 principal. Notwithstanding this requirement, the commission  
19 may remove the name of a lobbyist from the list of registered  
20 lobbyists if the principal notifies the office that a person  
21 is no longer authorized to represent that principal.

22 (8)(a) The commission shall investigate every sworn  
23 complaint that is filed with it alleging that a person covered  
24 by this section has failed to register, has failed to submit a  
25 compensation report, or has knowingly submitted false  
26 information in any report or registration required in this  
27 section.

28 (b) All proceedings, the complaint, and other records  
29 relating to the investigation are confidential and exempt from  
30 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
31 State Constitution, and any meetings held pursuant to an

1 investigation are exempt from the provisions of s. 286.011(1)  
2 and s. 24(b), Art. I of the State Constitution either until  
3 the alleged violator requests in writing that such  
4 investigation and associated records and meetings be made  
5 public or until the commission determines, based on the  
6 investigation, whether probable cause exists to believe that a  
7 violation has occurred.

8 (c) The commission shall investigate any lobbying  
9 firm, agency, officer, or employee upon receipt of information  
10 from a sworn complaint or from a random audit of lobbying  
11 reports indicating a possible violation other than a  
12 late-filed report.

13 (d) Records relating to an audit conducted pursuant to  
14 this section or an investigation conducted pursuant to this  
15 section or s. 112.32155 are confidential and exempt from s.  
16 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
17 any meetings held pursuant to such an investigation or at  
18 which such an audit is discussed are exempt from s. 286.011  
19 and s. 24(b), Art. I of the State Constitution either until  
20 the lobbying firm requests in writing that such investigation  
21 and associated records and meetings be made public or until  
22 the commission determines there is probable cause that the  
23 audit reflects a violation of the reporting laws. This  
24 paragraph is subject to the Open Government Sunset Review Act  
25 in accordance with s. 119.15 and shall stand repealed on  
26 October 2, 2011, unless reviewed and saved from repeal through  
27 reenactment by the Legislature.

28 (9) If the commission finds no probable cause to  
29 believe that a violation of this section occurred, it shall  
30 dismiss the complaint, whereupon the complaint, together with  
31 a written statement of the findings of the investigation and a

1 summary of the facts, shall become a matter of public record,  
2 and the commission shall send a copy of the complaint,  
3 findings, and summary to the complainant and the alleged  
4 violator. If, after investigating information from a random  
5 audit of lobbying reports, the commission finds no probable  
6 cause to believe that a violation of this section occurred, a  
7 written statement of the findings of the investigation and a  
8 summary of the facts shall become a matter of public record,  
9 and the commission shall send a copy of the findings and  
10 summary to the alleged violator. If the commission finds  
11 probable cause to believe that a violation occurred, it shall  
12 report the results of its investigation to the Governor and  
13 Cabinet and send a copy of the report to the alleged violator  
14 by certified mail. Such notification and all documents made or  
15 received in the disposition of the complaint shall then become  
16 public records. Upon request submitted to the Governor and  
17 Cabinet in writing, any person whom the commission finds  
18 probable cause to believe has violated any provision of this  
19 section shall be entitled to a public hearing. Such person  
20 shall be deemed to have waived the right to a public hearing  
21 if the request is not received within 14 days following the  
22 mailing of the probable cause notification. However, the  
23 Governor and Cabinet may on its own motion require a public  
24 hearing and may conduct such further investigation as it deems  
25 necessary.

26 (10) If the Governor and Cabinet finds that a  
27 violation occurred, it may reprimand the violator, censure the  
28 violator, or prohibit the violator from lobbying all agencies  
29 for a period not to exceed 2 years. If the violator is a  
30 lobbying firm, the Governor and Cabinet may also assess a fine

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1 of not more than \$5,000 to be deposited in the Executive  
2 Branch Lobby Registration Trust Fund.

3 (11) Any person, when in doubt about the applicability  
4 and interpretation of this section to himself or herself in a  
5 particular context, may submit in writing the facts of the  
6 situation to the commission with a request for an advisory  
7 opinion to establish the standard of duty. An advisory opinion  
8 shall be rendered by the commission and, until amended or  
9 revoked, shall be binding on the conduct of the person who  
10 sought the opinion, unless material facts were omitted or  
11 misstated in the request.

12 (12) Agencies shall be diligent to ascertain whether  
13 persons required to register pursuant to this section have  
14 complied. An agency may not knowingly permit a person who is  
15 not registered pursuant to this section to lobby the agency.

16 (13) Upon discovery of violations of this section an  
17 agency or any person may file a sworn complaint with the  
18 commission.

19 (14) The commission shall adopt rules to administer  
20 this section, which shall prescribe forms for registration and  
21 compensation reports, procedures for registration, and  
22 procedures that will prevent disclosure of information that is  
23 confidential as provided in this section.

24 Section 14. Effective April 1, 2007, paragraph (d) of  
25 subsection (5) of section 112.3215, Florida Statutes, as  
26 amended by this act, section 6 of chapter 2005-359, Laws of  
27 Florida, and section 1 of chapter 2005-361, Laws of Florida,  
28 is amended to read:

29 112.3215 Lobbying before the executive branch, county  
30 officers, or the Constitution Revision Commission;  
31 registration and reporting; investigation by commission.--

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(d) The commission shall provide by rule the grounds for waiving a fine, the procedures ~~a procedure~~ by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the electronic receipt issued pursuant to s. 112.32155 is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by

1 the Lobbyist Registration Office. A fine shall be assessed for  
2 any subsequent late-filed reports.

3         5. Any lobbying firm may appeal or dispute a fine,  
4 based upon unusual circumstances surrounding the failure to  
5 file on the designated due date, and may request and shall be  
6 entitled to a hearing before the commission, which shall have  
7 the authority to waive the fine in whole or in part for good  
8 cause shown. Any such request shall be made within 30 days  
9 after the notice of payment due is transmitted by the Lobbyist  
10 Registration Office. In such case, the lobbying firm shall,  
11 within the 30-day period, notify the person designated to  
12 review the timeliness of reports in writing of his or her  
13 intention to bring the matter before the commission.

14         6. The person designated to review the timeliness of  
15 reports shall notify the commission of the failure of a  
16 lobbying firm to file a report after notice or of the failure  
17 of a lobbying firm to pay the fine imposed. All lobbyist  
18 registrations for lobbyists who are partners, owners,  
19 officers, or employees of a lobbying firm that fails to timely  
20 pay a fine are automatically suspended until the fine is paid  
21 or waived, and the commission shall promptly notify all  
22 affected principals of each suspension and each reinstatement.

23         7. Notwithstanding any provision of chapter 120, any  
24 fine imposed under this subsection that is not waived by final  
25 order of the commission and that remains unpaid more than 60  
26 days after the notice of payment due or more than 60 days  
27 after the commission renders a final order on the lobbying  
28 firm's appeal shall be collected by the Department of  
29 Financial Services as a claim, debt, or other obligation owed  
30 to the state, and the department may assign the collection of  
31 such fine to a collection agent as provided in s. 17.20.

1           Section 15. Subsection (4) of section 112.322, Florida  
2 Statutes, is amended to read:

3           112.322 Duties and powers of commission.--

4           (4) The commission has the power to subpoena, audit,  
5 and investigate. The commission may subpoena witnesses and  
6 compel their attendance and testimony, administer oaths and  
7 affirmations, take evidence, and require by subpoena the  
8 production of any books, papers, records, or other items  
9 relevant to the performance of the duties of the commission or  
10 to the exercise of its powers. The commission may delegate to  
11 its investigators the authority to administer oaths and  
12 affirmations. The commission may delegate the authority to  
13 issue subpoenas to its chair, and may authorize its employees  
14 to serve any subpoena issued under this section. In the case  
15 of a refusal to obey a subpoena issued to any person, the  
16 commission may make application to any circuit court of this  
17 state which shall have jurisdiction to order the witness to  
18 appear before the commission and to produce evidence, if so  
19 ordered, or to give testimony touching on the matter in  
20 question. Failure to obey the order may be punished by the  
21 court as contempt. Witnesses shall be paid mileage and  
22 witnesses fees as authorized for witnesses in civil cases,  
23 except that a witness who is required to travel outside the  
24 county of his or her residence to testify is entitled to per  
25 diem and travel expenses at the same rate provided for state  
26 employees under s. 112.061, to be paid after the witness  
27 appears.

28           Section 16. Subsections (3) and (4) of section 914.21,  
29 Florida Statutes, are amended to read:

30           914.21 Definitions.--As used in ss. 914.22-914.24, the  
31 term:

1           (3) "Official investigation" means any investigation  
2 instituted by a law enforcement agency or prosecuting officer  
3 of the state or a political subdivision of the state or the  
4 Commission on Ethics.

5           (4) "Official proceeding" means:

6           (a) A proceeding before a judge or court or a grand  
7 jury;

8           (b) A proceeding before the Legislature; ~~or~~

9           (c) A proceeding before a federal agency that ~~which~~ is  
10 authorized by law; ~~or-~~

11           (d) A proceeding before the Commission on Ethics.

12           Section 17. Except as otherwise expressly provided in  
13 this act and except for this section, which shall take effect  
14 upon becoming a law, this act shall take effect October 1,  
15 2006.

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