



1 A bill to be entitled
2 An act relating to local government ethics reform;
3 amending s. 112.313, F.S.; providing that contractual
4 relationships held by business entities are deemed
5 held by public officers or employees in certain
6 situations; amending s. 112.3142, F.S.; requiring
7 certain ethics training for governing board members of
8 special districts and water management districts;
9 authorizing certain continuing education to satisfy
10 the ethics training requirement; deleting a
11 requirement that the Commission on Ethics adopt
12 certain rules relating to ethics training class course
13 content; providing course content requirements;
14 encouraging training providers to seek accreditation;
15 amending s. 112.3143, F.S.; prohibiting governing
16 board members of special districts or school districts
17 from voting in an official capacity on specified
18 matters; prohibiting county, municipal, or other local
19 public officers or governing board members of special
20 districts or school districts from participating in
21 specified matters; amending s. 112.3144, F.S.;
22 requiring certain mayors and members of a municipality
23 governing body to file a full and public disclosure of
24 financial interests; providing disclosure
25 requirements; amending s. 112.3145, F.S.; providing



26 disclosure requirements; providing applicability;
27 amending s. 112.31455, F.S.; applying provisions
28 relating to collecting unpaid fines for failing to
29 file such disclosures to school districts; amending s.
30 112.3148, F.S.; conforming provisions to specified
31 local government lobbyist registration requirements
32 effective October 1, 2018; providing for the future
33 removal of local government authority to enact a rule
34 or ordinance requiring lobbyists to register with the
35 local government; providing for the future repeal of
36 s. 112.3261, F.S., relating to registration and
37 reporting for lobbying water management districts;
38 creating s. 112.3262, F.S.; providing definitions;
39 requiring the commission to create the Local
40 Government Lobbyist Registration System; requiring
41 lobbyists to register with the commission before
42 lobbying governmental entities effective a specified
43 date; providing registration requirements and fees;
44 providing responsibilities of the lobbyist,
45 governmental entity, commission, and Governor;
46 providing civil penalties; authorizing the suspension
47 of certain lobbyists; authorizing the commission to
48 adopt rules; requiring the commission to provide
49 advisory opinions for specified purposes; amending s.
50 218.32, F.S.; requiring the Department of Financial



CS/HB 7021, Engrossed 1

2017

51 Services to file an annual report with the Legislature
52 and commission by a specified date; declaring that the
53 act fulfills an important state interest; providing
54 effective dates.

55

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

57

58 Section 1. Subsection (7) of section 112.313, Florida
59 Statutes, is amended to read:

60 112.313 Standards of conduct for public officers,
61 employees of agencies, and local government attorneys.—

62 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

63 (a) A ~~No~~ public officer or employee of an agency may not
64 ~~shall~~ have or hold any employment or contractual relationship
65 with any business entity or any agency that ~~which~~ is subject to
66 the regulation of, or is doing business with, an agency of which
67 he or she is an officer or employee, excluding those
68 organizations and their officers who, when acting in their
69 official capacity, enter into or negotiate a collective
70 bargaining contract with the state or any municipality, county,
71 or other political subdivision of the state; and ~~nor shall~~ an
72 officer or employee of an agency may not have or hold any
73 employment or contractual relationship that will create a
74 continuing or frequently recurring conflict between his or her
75 private interests and the performance of his or her public



76 | duties or that would impede the full and faithful discharge of
77 | his or her public duties. For purposes of this subsection, if a
78 | public officer or employee of an agency holds a material
79 | interest in a business entity other than a publicly traded
80 | entity, or is an officer, a director, or a member who manages
81 | such an entity, contractual relationships held by the business
82 | entity are deemed to be held by the public officer or employee.

83 | 1. When the agency referred to is a ~~that certain kind of~~
84 | special tax district created by general or special law and is
85 | limited specifically to constructing, maintaining, managing, and
86 | financing improvements in the land area over which the agency
87 | has jurisdiction, or when the agency has been organized pursuant
88 | to chapter 298, ~~then~~ employment with, or entering into a
89 | contractual relationship with, such a business entity by a
90 | public officer or employee of such an agency is ~~shall~~ not ~~be~~
91 | prohibited by this subsection or ~~be~~ deemed a conflict per se.
92 | However, conduct by such officer or employee that is prohibited
93 | by, or otherwise frustrates the intent of, this section must
94 | ~~shall~~ be deemed a conflict of interest in violation of the
95 | standards of conduct set forth by this section.

96 | 2. When the agency referred to is a legislative body and
97 | the regulatory power over the business entity resides in another
98 | agency, or when the regulatory power that ~~which~~ the legislative
99 | body exercises over the business entity or agency is strictly
100 | through the enactment of laws or ordinances, ~~then~~ employment or



CS/HB 7021, Engrossed 1

2017

101 a contractual relationship with such a business entity by a
102 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
103 prohibited by this subsection or ~~be~~ deemed a conflict.

104 (b) This subsection does ~~shall~~ not prohibit a public
105 officer or employee from practicing in a particular profession
106 or occupation when such practice by persons holding such public
107 office or employment is required or permitted by law or
108 ordinance.

109 Section 2. Subsection (2) of section 112.3142, Florida
110 Statutes, is amended to read:

111 112.3142 Ethics training for specified constitutional
112 officers, and elected municipal officers, and members of a
113 governing board of a special district or water management
114 district.-

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

123 (b) ~~Beginning January 1, 2015,~~ All elected municipal
124 officers must complete 4 hours of ethics training each calendar
125 year which addresses, at a minimum, s. 8, Art. II of the State



126 Constitution, the Code of Ethics for Public Officers and
127 Employees, and the public records and public meetings laws of
128 this state. ~~This requirement may be satisfied by completion of a~~
129 ~~continuing legal education class or other continuing~~
130 ~~professional education class, seminar, or presentation if the~~
131 ~~required subjects are covered.~~

132 (c) Beginning January 1, 2018, all members of the
133 governing board of a special district or water management
134 district must complete 4 hours of ethics training each calendar
135 year which addresses, at a minimum, s. 8, Art. II of the State
136 Constitution, the Code of Ethics for Public Officers and
137 Employees, and the public records and public meetings laws of
138 this state.

139 (d) The requirements specified in paragraphs (a), (b), and
140 (c) may be satisfied by completion of a continuing legal
141 education class or other continuing professional education
142 class, seminar, or presentation if the required subjects are
143 covered.

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

- 149 1. Doing business with one's own agency;
- 150 2. Conflicting employment or contractual relationships;



- 151 3. Misuse of position;
- 152 4. Disclosure or use of certain information;
- 153 5. Gifts and honoraria, including solicitation and
154 acceptance of gifts, and unauthorized compensation;
- 155 6. Post-officeholding restrictions;
- 156 7. Restrictions on the employment of relatives;
- 157 8. Voting conflicts if the officer is a member of a
158 collegial body and votes in his or her official capacity;
- 159 9. Financial disclosure requirements, including the
160 automatic fine and appeal process;
- 161 10. Commission procedures on ethics complaints and
162 referrals; and
- 163 11. The importance of and process for obtaining advisory
164 opinions rendered by the commission.
- 165 (f) Training providers are encouraged to seek
166 accreditation from any applicable licensing body for courses
167 offered pursuant to this subsection.
- 168 (g)-(d) The Legislature intends that a constitutional
169 officer, ~~or~~ elected municipal officer, or member of the
170 governing board of a special district or water management
171 district who is required to complete ethics training pursuant to
172 this section receive the required training as close as possible
173 to the date that he or she assumes office. A constitutional
174 officer, ~~or~~ elected municipal officer, or member of the
175 governing board of a special district or water management



CS/HB 7021, Engrossed 1

2017

176 | district assuming a new office or new term of office on or
177 | before March 31 must complete the annual training on or before
178 | December 31 of the year in which the term of office began. A
179 | constitutional officer, ~~or~~ elected municipal officer, or member
180 | of the governing board of a special district or water management
181 | district assuming a new office or new term of office after March
182 | 31 is not required to complete ethics training for the calendar
183 | year in which the term of office began.

184 | Section 3. Subsections (3) and (4) of section 112.3143,
185 | Florida Statutes, are amended to read:

186 | 112.3143 Voting conflicts.—

187 | (3) (a) A ~~No~~ county, municipal, or other local public
188 | officer or governing board member of a special district or
189 | school district may not ~~shall~~ vote in an official capacity upon
190 | any measure which would inure to his or her special private gain
191 | or loss; which he or she knows would inure to the special
192 | private gain or loss of any principal by whom he or she is
193 | retained or to the parent organization or subsidiary of a
194 | corporate principal by which he or she is retained, other than
195 | an agency as defined in s. 112.312(2); or which he or she knows
196 | would inure to the special private gain or loss of a relative or
197 | business associate of the public officer or board member. Such
198 | public officer or board member shall, prior to the vote being
199 | taken, publicly state to the assembly the nature of the
200 | officer's or member's interest in the matter from which he or



201 she is abstaining from voting and, within 15 days after the vote
202 occurs, disclose the nature of his or her interest as a public
203 record in a memorandum filed with the person responsible for
204 recording the minutes of the meeting, who shall incorporate the
205 memorandum in the minutes.

206 (b) However, a commissioner of a community redevelopment
207 agency created or designated pursuant to s. 163.356 or s.
208 163.357, or an officer of an independent special tax district
209 elected on a one-acre, one-vote basis, is not prohibited from
210 voting, when voting in said capacity.

211 (4) A county, municipal, other local public officer,
212 governing board member of a special district or school district,
213 or ~~Ne~~ appointed public officer, may not ~~shall~~ participate in any
214 matter which would inure to the officer's or member's special
215 private gain or loss; which the officer or member knows would
216 inure to the special private gain or loss of any principal by
217 whom he or she is retained or to the parent organization or
218 subsidiary of a corporate principal by which he or she is
219 retained; or which he or she knows would inure to the special
220 private gain or loss of a relative or business associate of the
221 public officer or board member, without first disclosing the
222 nature of his or her interest in the matter.

223 (a) Such disclosure, indicating the nature of the
224 conflict, shall be made in a written memorandum filed with the
225 person responsible for recording the minutes of the meeting,



226 prior to the meeting in which consideration of the matter will
227 take place, and shall be incorporated into the minutes. Any such
228 memorandum shall become a public record upon filing, shall
229 immediately be provided to the other members of the agency, and
230 shall be read publicly at the next meeting held subsequent to
231 the filing of this written memorandum.

232 (b) In the event that disclosure has not been made prior
233 to the meeting or that any conflict is unknown prior to the
234 meeting, the disclosure shall be made orally at the meeting when
235 it becomes known that a conflict exists. A written memorandum
236 disclosing the nature of the conflict shall then be filed within
237 15 days after the oral disclosure with the person responsible
238 for recording the minutes of the meeting and shall be
239 incorporated into the minutes of the meeting at which the oral
240 disclosure was made. Any such memorandum shall become a public
241 record upon filing, shall immediately be provided to the other
242 members of the agency, and shall be read publicly at the next
243 meeting held subsequent to the filing of this written
244 memorandum.

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

249 Section 4. Subsections (1) and (2) and paragraph (c) of
250 subsection (8) of section 112.3144, Florida Statutes, are



251 amended to read:

252 112.3144 Full and public disclosure of financial
253 interests.—

254 (1) (a) An officer or a member who is required ~~by s. 8,~~
255 ~~Art. II of the State Constitution~~ to file a full and public
256 disclosure of ~~his or her~~ financial interests for any calendar or
257 fiscal year shall file that disclosure with the Florida
258 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
259 ~~an officer who is required to complete annual ethics training~~
260 ~~pursuant to s. 112.3142 must certify on his or her full and~~
261 ~~public disclosure of financial interests that he or she has~~
262 ~~completed the required training.~~

263 (b) Each elected mayor and member of the governing body of
264 a municipality that had \$10 million or more in total revenue for
265 the 3 consecutive fiscal years ending prior to the year the
266 disclosure covers shall file a full and public disclosure of
267 financial interests with the Commission on Ethics. Each elected
268 mayor and member of the governing body of such municipality
269 shall continue to file a full and public disclosure until the
270 municipality has less than \$10 million in total revenue for 3
271 consecutive fiscal years. For purposes of this paragraph, the
272 verified report that the Department of Financial Services files
273 with the Commission on Ethics in accordance with s. 218.32(3)
274 shall be the sole basis for determining whether a municipality
275 has \$10 million or more in total revenue, except that a



276 municipality that has not had its annual financial report
277 certified in accordance with s. 218.32 on or before November 30
278 of the year in which it is due shall be considered to have \$10
279 million or more in total revenue for such year. If an
280 uncertified report is subsequently certified by the Department
281 of Financial Services, the certified report shall be used in any
282 disclosure period beginning after the report is certified.

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

287 Additionally, beginning January 1, 2018, an officer or a member
288 who is required to complete annual ethics training pursuant to
289 s. 112.3142 must provide the name of the training provider on
290 his or her full and public disclosure of financial interests.

291 (2) An officer or a member ~~person~~ who is required,
292 ~~pursuant to s. 8, Art. II of the State Constitution,~~ to file a
293 full and public disclosure of financial interests and who has
294 filed a full and public disclosure of financial interests for
295 any calendar or fiscal year ~~is shall~~ not ~~be~~ required to file a
296 statement of financial interests pursuant to s. 112.3145(2) and
297 (3) for the same year or for any part thereof notwithstanding
298 any requirement of this part. If an incumbent in an elective
299 office has filed the full and public disclosure of financial
300 interests to qualify for election to the same office or if a



301 candidate for office holds another office subject to the annual
302 filing requirement, the qualifying officer shall forward an
303 electronic copy of the full and public disclosure of financial
304 interests to the commission no later than July 1. The electronic
305 copy of the full and public disclosure of financial interests
306 satisfies the annual disclosure requirement of this section. A
307 candidate who does not qualify until after the annual full and
308 public disclosure of financial interests has been filed pursuant
309 to this section shall file a copy of his or her disclosure with
310 the officer before whom he or she qualifies.

311 (8)

312 (c) For purposes of this section, an error or omission is
313 immaterial, inconsequential, or de minimis if the original
314 filing provided sufficient information for the public to
315 identify potential conflicts of interest. However, failure to
316 certify completion of annual ethics training required under s.
317 112.3142 or provide the name of the training provider does not
318 constitute an immaterial, inconsequential, or de minimis error
319 or omission.

320 Section 5. Subsection (4) and paragraph (c) of subsection
321 (10) of section 112.3145, Florida Statutes, are amended to read:

322 112.3145 Disclosure of financial interests and clients
323 represented before agencies.—

324 (4) Beginning January 1, 2015, an officer who is required
325 to complete annual ethics training pursuant to s. 112.3142 must



326 certify on his or her statement of financial interests that he
327 or she has completed the required training. Beginning January 1,
328 2018, an officer or a member who is required to complete annual
329 ethics training pursuant to s. 112.3142 must provide the name of
330 the training provider on his or her statement of financial
331 interests.

332 (10)

333 (c) For purposes of this section, an error or omission is
334 immaterial, inconsequential, or de minimis if the original
335 filing provided sufficient information for the public to
336 identify potential conflicts of interest. However, failure to
337 certify completion of annual ethics training required under s.
338 112.3142 or provide the name of the training provider does not
339 constitute an immaterial, inconsequential, or de minimis error
340 or omission.

341 Section 6. The amendments made to ss. 112.3144 and
342 112.3145, Florida Statutes, by this act apply to disclosures
343 filed for the 2017 calendar year and all subsequent calendar
344 years.

345 Section 7. Subsection (1) of section 112.31455, Florida
346 Statutes, is amended to read:

347 112.31455 Collection methods for unpaid automatic fines
348 for failure to timely file disclosure of financial interests.—

349 (1) Before referring any unpaid fine accrued pursuant to
350 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial



351 Services, the commission shall attempt to determine whether the
352 individual owing such a fine is a current public officer or
353 current public employee. If so, the commission may notify the
354 Chief Financial Officer or the governing body of the appropriate
355 county, municipality, school district, or special district of
356 the total amount of any fine owed to the commission by such
357 individual.

358 (a) After receipt and verification of the notice from the
359 commission, the Chief Financial Officer or the governing body of
360 the county, municipality, school district, or special district
361 shall begin withholding the lesser of 10 percent or the maximum
362 amount allowed under federal law from any salary-related
363 payment. The withheld payments shall be remitted to the
364 commission until the fine is satisfied.

365 (b) The Chief Financial Officer or the governing body of
366 the county, municipality, school district, or special district
367 may retain an amount of each withheld payment, as provided in s.
368 77.0305, to cover the administrative costs incurred under this
369 section.

370 Section 8. Effective October 1, 2018, paragraph (b) of
371 subsection (2) of section 112.3148, Florida Statutes, is amended
372 to read:

373 112.3148 Reporting and prohibited receipt of gifts by
374 individuals filing full or limited public disclosure of
375 financial interests and by procurement employees.—



CS/HB 7021, Engrossed 1

2017

376 (2) As used in this section:

377 (b)1. "Lobbyist" means any natural person who, for
378 compensation, seeks, or sought during the preceding 12 months,
379 to influence the governmental decisionmaking of a reporting
380 individual or procurement employee or his or her agency or
381 seeks, or sought during the preceding 12 months, to encourage
382 the passage, defeat, or modification of any proposal or
383 recommendation by the reporting individual or procurement
384 employee or his or her agency.

385 2. With respect to an agency that is a governmental entity
386 as defined in s. 112.3262 ~~has established by rule, ordinance, or~~
387 ~~law a registration process for persons seeking to influence~~
388 ~~decisionmaking or to encourage the passage, defeat, or~~
389 ~~modification of any proposal or recommendation by such agency or~~
390 ~~an employee or official of the agency, the term "lobbyist"~~
391 includes only a person who is required to be registered as a
392 lobbyist in accordance with s. 112.3262 ~~such rule, ordinance, or~~
393 ~~law~~ or who was during the preceding 12 months required to be
394 registered as a lobbyist in accordance with such ~~rule,~~
395 ~~ordinance, or law. At a minimum, such a registration system must~~
396 ~~require the registration of, or must designate, persons as~~
397 ~~"lobbyists" who engage in the same activities as require~~
398 ~~registration to lobby the Legislature pursuant to s. 11.045.~~

399 Section 9. Effective October 1, 2018, section 112.3261,
400 Florida Statutes, is repealed.



401 Section 10. Section 112.3262, Florida Statutes, is created
402 to read:

403 112.3262 Lobbying before governmental entities.-

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

405 (a) "Governmental entity" or "entity" means a water
406 management district created in s. 373.069 and operating under
407 the authority of chapter 373, a hospital district, a children's
408 services district, an expressway authority as the term
409 "authority" is defined in s. 348.0002, a port authority as
410 defined in s. 315.02, a county, a municipality, a school
411 district, or a special district.

412 (b) "Lobbying" means seeking, on behalf of another person,
413 to influence a governmental entity with respect to a decision of
414 the entity in an area of policy or procurement or an attempt to
415 obtain the goodwill of an official or employee of a governmental
416 entity. The term does not include representing a client in any
417 stage of applying for or seeking approval of an application for
418 a license, permit, or waiver of a regulation or other
419 administrative action, or opposition to such action, provided
420 such action does not require legislative discretion and is
421 subject to judicial review by petitioning for writ of
422 certiorari.

423 (c) "Lobbyist" means a person who is employed and receives
424 payment, or who contracts for economic consideration, for the
425 purpose of lobbying, or a person who is principally employed for



426 governmental affairs by another person or governmental entity to
427 lobby on behalf of such person or governmental entity. The term
428 does not include a person who:

429 1. Represents a client in a judicial proceeding or in a
430 formal administrative proceeding before a governmental entity.

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

433 3. Consults under contract with the governmental entity
434 and communicates with the entity's governing body or governing
435 body employee regarding issues related to the scope of services
436 in his or her contract.

437 4. Is an employee, officer, or board member of a
438 homeowners' association, condominium association, or
439 neighborhood association when addressing, in his or her capacity
440 as an employee, officer, or board member of such association, an
441 issue impacting the association or its members.

442 5. Is a confidential informant who is providing, or wishes
443 to provide, confidential information to be used for law
444 enforcement purposes.

445 6. Is an expert witness who is retained or employed by an
446 employer, a principal, or a client to provide only scientific,
447 technical, or other specialized information provided in agenda
448 materials or testimony only in public hearings, provided the
449 expert identifies such employer, principal, or client at such
450 hearing.



451 7. Seeks to procure a contract which is less than \$20,000
452 or a contract pursuant s. 287.056.

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

454 (e) "Principally employed for governmental affairs" means
455 that one of the employee's principal or most significant
456 responsibilities to the employer is overseeing the employer's
457 various governmental relationships or representing the employer
458 in its contacts made with an officer or employee of a
459 governmental entity.

460 (2) The Commission on Ethics shall create the Local
461 Government Lobbyist Registration System to register lobbyists
462 who wish to lobby governmental entities in accordance with this
463 section. Beginning October 1, 2018, any governmental entity rule
464 or ordinance that requires lobbyist registration is preempted
465 and replaced by the registration system established by this
466 section. However, in accordance with s. 112.326, a governmental
467 entity may adopt a rule or ordinance to regulate lobbyist
468 conduct and may require compensation reporting, disclosure of
469 contacts made with an officer or employee of a governmental
470 entity, or any other activity related to lobbyist conduct, other
471 than registration. No governmental entity may charge any fee for
472 registration of lobbyists and principals and no other fee may be
473 charged in the enforcement of lobbyist regulation except as may
474 be reasonable and necessary to cover the cost of such
475 enforcement.



476 (3) Beginning October 1, 2018, a person may not lobby a
477 governmental entity until such person has electronically
478 registered as a lobbyist with the commission. Such initial
479 registration shall be due upon being retained to lobby and is
480 renewable annually on the anniversary of the lobbyist's
481 registration or in the month of the lobbyist's birth as selected
482 by the lobbyist at the time of registration. The commission
483 shall request authorization from the principal using the
484 principal's name, business address, e-mail address, and
485 telephone number to confirm that the registrant is authorized to
486 represent the principal. The principal or principal's
487 representative shall identify and designate its main business
488 pursuant to the North American Industry Classification System
489 (NAICS) six digit numerical code that most accurately describes
490 its main business. Registration is incomplete until the
491 commission receives the principal's authorization and the
492 registration fee. Any changes to the information required by
493 this subsection must be disclosed within 15 days by the lobbyist
494 updating his or her registration. The commission may require
495 separate registration submissions for each county and multi-
496 county governmental entity, but each submission may include,
497 without an additional fee, any governmental entity in the county
498 for which the submission is made. A person required to register
499 as a lobbyist under this subsection must register through the
500 electronic system and must attest to the following:



501 (a) Full legal name, birth month, e-mail address,
502 telephone number, and business address.

503 (b) Name, e-mail address, telephone number, and business
504 address of each principal.

505 (c) Name of each governmental entity lobbied or intended
506 to be lobbied on behalf of the principal.

507 (d) Any direct or indirect business association,
508 partnership, or financial relationship with an official or
509 employee of a governmental entity lobbied or intended to be
510 lobbied on behalf of the principal.

511 (4) The annual lobbyist registration fee shall be
512 established by the commission by rule, not to exceed \$20 for
513 each principal represented for one county and governmental
514 entities therein or one multi-county governmental entity and not
515 to exceed \$5 for each additional county and governmental
516 entities therein or each multi-county governmental entity.

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

519 (6) A lobbyist shall promptly provide a written statement
520 to the commission canceling the designation of a principal in
521 his or her registration upon termination of such representation.
522 The commission may cancel a lobbyist's designation of a
523 principal upon the principal's notification that the lobbyist is
524 no longer authorized to represent the principal.

525 (7) A governmental entity must use reasonable efforts to



526 ascertain whether a lobbyist has registered pursuant to this
527 section. A governmental entity may not knowingly authorize an
528 unregistered lobbyist to lobby the entity.

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

534 (b) If the commission finds no probable cause to believe
535 that a violation of this section occurred, it shall dismiss the
536 complaint and send a copy of the complaint, findings, and
537 summary to the complainant and the alleged violator. If the
538 commission finds probable cause to believe that a violation
539 occurred, it shall report the results of its investigation to
540 the Governor and send a copy of the report to the alleged
541 violator by certified mail. Upon request submitted to the
542 Governor in writing, any person whom the commission finds
543 probable cause to believe has violated any provision of this
544 section shall be entitled to a public hearing. Such person shall
545 be deemed to have waived the right to a public hearing if the
546 request is not received within 14 days following the mailing of
547 the copy of the report. However, the Governor may require a
548 public hearing and may conduct such further investigation as he
549 or she deems necessary.

550 (c) If the Governor finds that a violation occurred, he or



551 she may reprimand the violator, censure the violator, or asses a
552 civil penalty against the violator in accordance with this
553 section.

554 (d) Upon discovery of a violation of this section, a
555 governmental entity or any person may file a sworn complaint
556 with the commission.

557 (9) (a) Upon a first complaint to the commission alleging a
558 violation of subsection (3) against a lobbyist, or upon any
559 complaint against a lobbyist received before January 1, 2020,
560 the commission shall, within 30 days after receipt of the
561 complaint, issue a warning letter to the lobbyist directing him
562 or her to consult the obligations of lobbyists under this
563 section and then dismiss the complaint.

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

567 1. For a first violation, a civil penalty not to exceed
568 \$500.

569 2. For a second or subsequent violation committed within
570 12 months after the Governor determines that a first violation
571 has been committed, a civil penalty of at least \$200 but not
572 more than \$1000 or a 1-year suspension from lobbying any
573 governmental entity associated with the violation. A
574 governmental entity may impose additional civil penalties not to
575 exceed \$500 per violation, and, notwithstanding paragraph (c),



576 may suspend the lobbyist from lobbying the governmental entity
577 and its agencies on behalf of any principal for up to 2 years.

578 (c) The civil penalties and suspensions provided in this
579 subsection shall be applied on a per principal basis with
580 suspensions affecting only those principals for whom
581 unregistered lobbying occurred.

582 (10) By January 1, 2018, a governmental entity's governing
583 body, or the entity's designee, shall notify the commission of
584 any ordinance or rule that imposes additional or more stringent
585 obligations with respect to lobbyist compensation reporting, or
586 other conduct, and shall forward to the commission a copy of any
587 associated form that has been established to facilitate
588 compliance with such ordinance or rule. Beginning January 1,
589 2019, each governmental entity is encouraged to conform its
590 registration system, if any, to accommodate regular digital
591 distribution of registration data from the commission so that
592 initial registration of a lobbyist pursuant to subsection (3) is
593 accomplished without having to supply the lobbyist and principal
594 information to more than one registration system. The commission
595 shall cooperate to the extent reasonably practicable to assure
596 such coordination of information.

597 (11) The commission may adopt rules to establish
598 procedures to administer the Local Government Lobbyist
599 Registration System, including the staggering of registration
600 renewal dates based on the anniversary of the lobbyist's



601 registration or the month of the lobbyist's birth as selected by
602 the lobbyist at the time of registration, the adoption of forms,
603 the method of registering specific entities lobbied, the
604 exchange of information with local governmental entities, and
605 the establishment of fees authorized in this section.

606 (12) A person, when in doubt about the applicability and
607 interpretation of this section, may submit in writing to the
608 commission the facts of the situation with a request for an
609 advisory opinion to establish a standard of duty. An advisory
610 opinion shall be rendered by the commission and, until amended
611 or revoked, is binding on the conduct of the person who sought
612 the opinion, unless material facts were omitted or misstated in
613 the request.

614 Section 11. Subsection (3) of section 218.32, Florida
615 Statutes, is renumbered as subsection (4), and a new subsection
616 (3) is added to that section to read:

617 218.32 Annual financial reports; local governmental
618 entities.—

619 (3) The department shall annually by December 1 file a
620 verified report with the Legislature and the Commission on
621 Ethics showing the total revenues for each municipality in each
622 of the 3 prior fiscal years and whether the municipality timely
623 filed its annual financial report in accordance with this
624 section. The report shall also indicate each municipality that
625 does not have a certified annual financial report in each such



CS/HB 7021, Engrossed 1

2017

626 | year.

627 | Section 12. The Legislature finds that a proper and
628 | legitimate state purpose is served when mechanisms are
629 | established to secure and sustain the public's trust in public
630 | officers and employees. Therefore, the Legislature determines
631 | and declares that this act fulfills an important state interest.

632 | Section 13. Except as otherwise expressly provided in this
633 | act, this act shall take effect July 1, 2017.