



479972

LEGISLATIVE ACTION

Senate

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House

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Senators Book and Benacquisto moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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

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

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

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

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



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

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

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

62 (3) Each agency must:

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

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

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

69 3. A definition of workplace harassment, which includes



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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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





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

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

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

223

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

225 And the title is amended as follows:

226 Delete everything before the enacting clause  
227 and insert:

228 A bill to be entitled

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



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