

1                   A bill to be entitled  
2           An act relating to ethics reform; repealing s. 11.061,  
3           F.S., relating to state, state university, and  
4           community college employee lobbyists; creating s.  
5           11.255, F.S.; providing state policy relating to  
6           sexual harassment; requiring the Legislature to  
7           establish rules, policies, and procedures; amending s.  
8           25.382, F.S.; requiring the Supreme Court to establish  
9           rules, policies, and procedures; amending s. 106.011,  
10          F.S.; revising a definition; creating s. 106.112,  
11          F.S.; prohibiting the use of certain funds to pay  
12          certain expenses; creating s. 106.114, F.S.; providing  
13          definitions; prohibiting certain public service  
14          announcements by specified governmental entities,  
15          persons acting on behalf of such entities, and elected  
16          officials; providing applicability; amending s.  
17          110.1221, F.S.; revising the state's sexual harassment  
18          policy; requiring certain persons to comply with  
19          certain rules and policies; requiring agencies to  
20          adopt certain rules and policies; amending s. 112.313,  
21          F.S.; revising applicability of certain provisions  
22          relating to contractual relationships; prohibiting  
23          public officers or employees of an agency from  
24          soliciting specified employment or contractual  
25          relationships; requiring certain offers and

26 | solicitations of employment or contractual  
27 | relationships to be disclosed to certain persons;  
28 | requiring such solicitations to be disclosed to the  
29 | Commission on Ethics in certain circumstances;  
30 | authorizing the commission to investigate such  
31 | disclosures; providing a definition; prohibiting  
32 | legislators, statewide elected officers, appointed  
33 | state officers, and agency directors from certain  
34 | compensated representation for a specified period  
35 | following vacation of office; deleting a provision  
36 | prohibiting former legislators from acting as  
37 | lobbyists before certain entities and persons for a  
38 | specified period following vacation of office;  
39 | providing applicability; creating s. 112.3131, F.S.;  
40 | prohibiting sexual harassment in the public workplace  
41 | and in the conduct of public business; providing state  
42 | policy relating to sexual harassment; requiring  
43 | certain individuals to comply with certain state law,  
44 | rules, and policies; providing a definition; providing  
45 | that certain individuals are encouraged to report  
46 | sexual harassment as soon as possible; authorizing  
47 | such reports to be written or verbal; requiring such  
48 | reports to be provided to certain individuals or  
49 | agencies; requiring a designated official recipient of  
50 | sexual harassment reports to take certain actions;

51 requiring an individual with supervisory  
52 responsibility to take certain actions in certain  
53 circumstances; prohibiting retaliation and violation  
54 of a confidentiality requirement; requiring that  
55 certain complaints be processed in a certain manner;  
56 creating s. 112.3132, F.S.; providing procedural  
57 requirements for prevention of and protection from  
58 sexual harassment; authorizing agencies to adopt rules  
59 and administrative policies and procedures; providing  
60 requirements for written policies and requiring  
61 specified reviews; requiring that employees and public  
62 officers be provided with certain training and sign an  
63 acknowledgment; requiring agencies to conduct certain  
64 assessments at least biennially; authorizing and  
65 providing procedural requirements for verbal reports,  
66 submitting written complaints, and initiating  
67 investigations of sexual harassment; authorizing a  
68 preliminary review; requiring an individual accused of  
69 or under investigation for sexual harassment to be  
70 provided with certain information and opportunities;  
71 requiring confidentiality of certain information;  
72 requiring certain documentation of a probable cause  
73 determination; requiring agency policies and  
74 procedures to provide for a hearing in certain  
75 circumstances; providing requirements for potential

76 | disciplinary actions; requiring that certain evidence  
77 | be referred to the appropriate law enforcement agency;  
78 | requiring agencies to maintain certain records;  
79 | providing for discipline of certain individuals;  
80 | prohibiting the enforcement of a nondisclosure  
81 | agreement in certain circumstances; providing that  
82 | certain violations are not subject to the jurisdiction  
83 | of the commission; creating s. 112.3133, F.S.;  
84 | creating the Task Force on the Prevention of Sexual  
85 | Harassment; providing for meetings, membership, and  
86 | duties of the task force; requiring the task force to  
87 | provide a report to the Governor and Legislature;  
88 | providing that members of the task force shall serve  
89 | without compensation but may be reimbursed for travel  
90 | expenses; creating s. 112.3181, F.S.; prohibiting  
91 | statewide elected officers and legislators from  
92 | soliciting employment offers or investment advice  
93 | arising out of official or political activities;  
94 | prohibiting such officers or legislators from  
95 | soliciting or accepting investment advice from or  
96 | soliciting or entering into certain profitmaking  
97 | relationships with or advised by lobbyists or  
98 | principals; providing definitions; requiring lobbyists  
99 | and principals to disclose certain prohibited  
100 | solicitations to the commission; authorizing the

101 commission to investigate such disclosures; providing  
 102 disclosure requirements; requiring the commission to  
 103 publish disclosures on its website; authorizing the  
 104 commission to adopt rules; amending s. 112.3185, F.S.;  
 105 providing definitions; prohibiting certain officers  
 106 and employees from soliciting employment or  
 107 contractual relationships from or negotiating  
 108 employment or contractual relationships with certain  
 109 employers; providing exceptions; requiring disclosure  
 110 of certain offers of employment or contractual  
 111 relationships; reenacting and amending s. 112.3215,  
 112 F.S.; revising definitions; requiring lobbyists to  
 113 electronically register with the commission; revising  
 114 lobbyist registration, compensation report, principal  
 115 designation cancellation, and investigation  
 116 requirements; revising lobbyist registration fees;  
 117 authorizing the commission to dismiss certain  
 118 complaints and investigations; providing effective  
 119 dates.

120  
 121 Be It Enacted by the Legislature of the State of Florida:

122  
 123 Section 1. Section 11.061, Florida Statutes, is repealed.

124 Section 2. Effective upon this act becoming a law, section  
 125 11.255, Florida Statutes, is created to read:

126 11.255 Protection from sexual harassment.-

127 (1) It is the policy of the state to prevent and prohibit  
 128 sexual harassment.

129 (2) The Senate and the House of Representatives shall  
 130 establish rules, policies, and procedures consistent with ss.  
 131 112.3131 and 112.3132.

132 Section 3. Effective upon this act becoming a law,  
 133 subsection (4) of section 25.382, Florida Statutes, is  
 134 renumbered as subsection (5), and a new subsection (4) is added  
 135 to that section to read:

136 25.382 State courts system.-

137 (4) The Supreme Court shall prevent and prohibit sexual  
 138 harassment by establishing rules, policies, and procedures  
 139 consistent with ss. 112.3131 and 112.3132.

140 Section 4. Effective upon this act becoming a law,  
 141 paragraph (a) of subsection (10) of section 106.011, Florida  
 142 Statutes, is amended to read:

143 106.011 Definitions.-As used in this chapter, the  
 144 following terms have the following meanings unless the context  
 145 clearly indicates otherwise:

146 (10) (a) "Expenditure" means a purchase, payment,  
 147 distribution, loan, advance, transfer of funds by a campaign  
 148 treasurer or deputy campaign treasurer between a primary  
 149 depository and a separate interest-bearing account or  
 150 certificate of deposit, or gift of money or anything of value

151 made for the purpose of influencing the results of an election  
152 or making an electioneering communication. However,  
153 "expenditure" does not include the following:

154 1. A purchase, payment, distribution, loan, advance, or  
155 gift of money or anything of value made for the purpose of  
156 influencing the results of an election when made by an  
157 organization, in existence before the time during which a  
158 candidate qualifies or an issue is placed on the ballot for that  
159 election, for the purpose of printing or distributing such  
160 organization's newsletter, containing a statement by such  
161 organization in support of or opposition to a candidate or  
162 issue, which newsletter is distributed only to members of such  
163 organization.

164 2. Any expense related to an ethical, disciplinary, or  
165 legal complaint arising out of public service.

166 Section 5. Effective upon this act becoming a law, section  
167 106.112, Florida Statutes, is created to read:

168 106.112 Prohibition on payment of ethical, disciplinary,  
169 or legal expenses related to public service.—Funds on deposit in  
170 a campaign, political committee, or political party account may  
171 not be used for any expense related to any ethical,  
172 disciplinary, or legal complaint arising out of a public  
173 officer's or candidate's public service.

174 Section 6. Section 106.114, Florida Statutes, is created  
175 to read:

176 |       106.114 Elected official advertising.—  
 177 |       (1) As used in this section, the term:  
 178 |       (a) "Governmental entity" means any executive, judicial,  
 179 | or quasi-judicial department; state university; community  
 180 | college; water management district; or political subdivision.  
 181 |       (b) "Public service announcement" means any message  
 182 | communicated by radio, television, electronic communication, or  
 183 | billboard that promotes or announces an issue of public  
 184 | importance, concern, or welfare.  
 185 |       (2) A governmental entity, a person acting on behalf of a  
 186 | governmental entity, or an elected official may not use or  
 187 | authorize the use of an elected official's name, image,  
 188 | likeness, official uniform, badge, or other symbol of office in  
 189 | a public service announcement beginning on the date that the  
 190 | elected official qualifies as a candidate, pursuant to s. 99.061  
 191 | or other applicable law, for reelection or election to another  
 192 | public office and ending on the day after the election for which  
 193 | the elected official qualified as a candidate if such  
 194 | announcement is paid for with public funds or if the time or  
 195 | space for such announcement is donated by the media. This  
 196 | subsection does not apply to charitable events held by an  
 197 | organization with tax-exempt status under s. 501(c)(3) of the  
 198 | Internal Revenue Code or bona fide news events such as press  
 199 | conferences or public debates broadcast by a licensed  
 200 | broadcaster.



201 Section 7. Effective upon this act becoming a law, section  
 202 110.1221, Florida Statutes, is amended to read:

203 110.1221 Protection from sexual harassment ~~policy;~~  
 204 ~~executive~~ agency rules.—

205 (1) It is the policy of the state to prevent and prohibit  
 206 sexual harassment. ~~that~~ Sexual harassment is a form of  
 207 discrimination.

208 (2) All agency employees and private persons who interact  
 209 with agencies must comply with ss. 112.3131 and 112.3132 and  
 210 applicable rules and administrative policies.

211 (3) The department shall adopt uniform sexual harassment  
 212 rules and administrative policies consistent with ss. 112.3131  
 213 and 112.3132 that are applicable to all executive agencies. Each  
 214 agency shall adopt additional rules and administrative policies  
 215 necessary to apply the department's uniform sexual harassment  
 216 rules and administrative policies to specific circumstances ~~The~~  
 217 ~~rules must define the term "sexual harassment" in a manner~~  
 218 ~~consistent with the federal definition.~~

219 Section 8. Subsections (7), (9), and (15) of section  
 220 112.313, Florida Statutes, are amended to read:

221 112.313 Standards of conduct for public officers,  
 222 employees of agencies, and local government attorneys.—

223 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

224 (a) A ~~No~~ public officer or employee of an agency may not  
 225 ~~shall~~ have or hold any employment or contractual relationship

226 | with any business entity or any agency ~~that~~ which is subject to  
227 | the regulation of, or is doing business with, the officer's or  
228 | employee's ~~an~~ agency. This paragraph does not apply to ~~of which~~  
229 | ~~he or she is an officer or employee, excluding these~~  
230 | organizations and their officers who, when acting in their  
231 | official capacity, enter into or negotiate a collective  
232 | bargaining contract with the state or any municipality, county,  
233 | or other political subdivision of the state. Such; ~~nor shall an~~  
234 | officer or employee may also not ~~of an agency~~ have or hold any  
235 | employment or contractual relationship that will create a  
236 | continuing or frequently recurring conflict between his or her  
237 | private interests and the performance of his or her public  
238 | duties or that would impede the full and faithful discharge of  
239 | his or her public duties.

240 |       1. When the agency referred to is a ~~that certain kind of~~  
241 | special tax district created by general or special law and is  
242 | limited specifically to constructing, maintaining, managing, and  
243 | financing improvements in the land area over which the agency  
244 | has jurisdiction, or when the agency has been organized pursuant  
245 | to chapter 298, ~~then~~ employment with, or entering into a  
246 | contractual relationship with, such a business entity by a  
247 | public officer or employee of such an agency is ~~shall~~ not ~~be~~  
248 | prohibited by this subsection or ~~be~~ deemed a conflict ~~per se~~.  
249 | However, conduct by such officer or employee that is prohibited  
250 | by, or otherwise frustrates the intent of, this section must

251 ~~shall~~ be deemed a conflict of interest in violation of the  
252 standards of conduct set forth by this section.

253 2. When the agency referred to is a legislative body and  
254 the regulatory power over the business entity resides in another  
255 agency, or when the regulatory power that ~~which~~ the legislative  
256 body exercises over the business entity or agency is strictly  
257 through the enactment of laws or ordinances, ~~then~~ employment  
258 with, or entering into a contractual relationship with, such a  
259 business entity by a public officer or employee of such a  
260 legislative body is ~~shall~~ not be prohibited by this subsection  
261 or ~~be~~ deemed a conflict based on the regulatory power of the  
262 legislative body, unless prohibited or deemed a conflict by  
263 another law.

264 (b) This subsection does ~~shall~~ not prohibit a public  
265 officer or employee from practicing in a particular profession  
266 or occupation when such practice by persons holding such public  
267 office or employment is required or permitted by law or  
268 ordinance.

269 (c) A public officer or employee of an agency may not  
270 solicit any employment or contractual relationship prohibited by  
271 this subsection.

272 (d) A public officer or employee of an agency must  
273 disclose to the head of his or her agency, the general counsel  
274 or inspector general of his or her agency, or any other officer  
275 or attorney designated by the head of his or her agency any

276 offer of employment or contractual relationship that is  
277 prohibited by this subsection.

278 (e) If a public officer or employee of an agency, or a  
279 person acting on his or her behalf, solicits employment with any  
280 business entity or any agency that is subject to the regulation  
281 of, or is doing business with, the officer's or employer's  
282 agency in violation of paragraph (c), the solicited business  
283 entity or agency must disclose such solicitation to the head of  
284 the officer's or employee's agency. If such solicitation is by  
285 or on behalf of the head of the agency or a member of a body  
286 that is the head of the agency, the solicited business entity or  
287 agency must disclose such solicitation to the commission. The  
288 commission may investigate such disclosure as if it were a valid  
289 complaint under this part.

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

292 (a)1. It is the intent of the Legislature to implement by  
293 statute the provisions of s. 8(e), Art. II of the State  
294 Constitution relating to legislators, statewide elected  
295 officers, appointed state officers, and designated public  
296 employees.

297 2. As used in this paragraph:

298 a. "Employee" means:

299 (I) Any person employed in the executive or legislative  
300 branch of government holding a position in the Senior Management

301 Service as defined in s. 110.402 or any person holding a  
302 position in the Selected Exempt Service as defined in s. 110.602  
303 or any person having authority over policy or procurement  
304 employed by the Department of the Lottery.

305 (II) The Auditor General, the director of the Office of  
306 Program Policy Analysis and Government Accountability, the  
307 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
308 at Arms and Clerk of the House of Representatives.

309 (III) The executive director and deputy executive director  
310 of the Commission on Ethics.

311 (IV) An executive director, staff director, or deputy  
312 staff director of each joint committee, standing committee, or  
313 select committee of the Legislature; an executive director,  
314 staff director, executive assistant, analyst, or attorney of the  
315 Office of the President of the Senate, the Office of the Speaker  
316 of the House of Representatives, the Senate Majority Party  
317 Office, Senate Minority Party Office, House Majority Party  
318 Office, or House Minority Party Office; or any person, hired on  
319 a contractual basis, having the power normally conferred upon  
320 such persons, by whatever title.

321 (V) The Chancellor and Vice Chancellors of the State  
322 University System; the general counsel to the Board of Governors  
323 of the State University System; and the president, provost, vice  
324 presidents, and deans of each state university.

325 (VI) Any person, including an other-personal-services

326 employee, having the power normally conferred upon the positions  
327 referenced in this sub-subparagraph.

328 b. "Appointed state officer" means any member of an  
329 appointive board, commission, committee, council, or authority  
330 of the executive or legislative branch of state government whose  
331 powers, jurisdiction, and authority are not solely advisory and  
332 include the final determination or adjudication of any personal  
333 or property rights, duties, or obligations, other than those  
334 relative to its internal operations.

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

338 d. "Agency director" means a secretary, as that term is  
339 defined in s. 20.03, the chief administrative employee or  
340 officer of a department headed by the Governor and the Cabinet,  
341 or the chief administrative employee or officer of any body  
342 established or granted legislative or executive authority by the  
343 State Constitution, including, but not limited to, the State  
344 Board of Education, the Board of Governors of the State  
345 University System, the State Board of Administration, and the  
346 Fish and Wildlife Conservation Commission, but excluding the  
347 Legislature, the judiciary, or any constituent component of  
348 either. "Agency director" also includes any person, including an  
349 other-personal-services employee, having the power normally  
350 conferred upon such secretary, employee, or officer.

351           3.a. No member of the Legislature, appointed state  
352 officer, or statewide elected officer shall personally represent  
353 another person or entity for compensation before the government  
354 body or agency of which the individual was an officer or member  
355 for a period of 2 years following vacation of office. No member  
356 of the Legislature shall personally represent another person or  
357 entity for compensation during his or her term of office before  
358 any state agency other than judicial tribunals or in settlement  
359 negotiations after the filing of a lawsuit.

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

365           4.a. An agency director who is so employed on or after  
366 January 8, 2019, may not personally represent another person or  
367 entity for compensation before any state agency other than the  
368 Legislature or judicial tribunals or in settlement negotiations  
369 after the filing of a lawsuit for a period of 2 years following  
370 vacation of position, except when employed by and representing  
371 another state agency.

372           b. An agency employee, including an agency employee who  
373 was employed on July 1, 2001, in a Career Service System  
374 position that was transferred to the Selected Exempt Service  
375 System under chapter 2001-43, Laws of Florida, may not

376 personally represent another person or entity for compensation  
377 before the agency with which he or she was employed for a period  
378 of 2 years following vacation of position, except when unless  
379 employed by and representing another state agency ~~of state~~  
380 government.

381 5. Any person violating this paragraph is ~~shall be~~ subject  
382 to the penalties provided in s. 112.317 and a civil penalty of  
383 an amount equal to the compensation which the person receives  
384 for the prohibited conduct.

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

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

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

391 ~~c. A person who was a defined employee of the State~~  
392 ~~University System or the Public Service Commission who held such~~  
393 ~~employment on December 31, 1994;~~

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

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

400 (b) In addition to the provisions of this part which are



401 applicable to legislators and legislative employees by virtue of  
402 their being public officers or employees, the conduct of members  
403 of the Legislature and legislative employees shall be governed  
404 by the ethical standards provided in the respective rules of the  
405 Senate or House of Representatives which are not in conflict  
406 herewith.

407       (15) (a) ADDITIONAL EXEMPTION.—~~An~~ ~~no~~ elected public officer  
408 may not shall be held in violation of subsection (7) if the  
409 officer maintains an employment relationship with an entity  
410 which is currently a tax-exempt organization under s. 501(c) of  
411 the Internal Revenue Code and which contracts with or otherwise  
412 enters into a business relationship with the officer's agency  
413 and:

414       1.(a) The officer's employment is not directly or  
415 indirectly compensated as a result of such contract or business  
416 relationship;

417       2.(b) The officer has in no way participated in the  
418 agency's decision to contract or to enter into the business  
419 relationship with his or her employer, whether by participating  
420 in discussion at the meeting, by communicating with officers or  
421 employees of the agency, or otherwise; and

422       3.(e) The officer abstains from voting on any matter which  
423 may come before the agency involving the officer's employer,  
424 publicly states to the assembly the nature of the officer's  
425 interest in the matter from which he or she is abstaining, and

426 files a written memorandum as provided in s. 112.3143.

427 (b) This subsection does not apply to an officer who  
428 begins his or her term of office on or after January 8, 2019.

429 Section 9. Effective upon this act becoming a law, section  
430 112.3131, Florida Statutes, is created to read:

431 112.3131 Protection from sexual harassment.—

432 (1) Sexual harassment is prohibited in the public  
433 workplace and in the conduct of public business. It is the  
434 policy of the state to prevent, prohibit, and discipline sexual  
435 harassment.

436 (2) All public employees, public officers, and private  
437 persons who interact with public employees and public officers  
438 must abide by this policy by complying with this section, s.  
439 112.3132, and applicable rules and administrative policies.

440 (3) The term "sexual harassment" means:

441 (a) An unwelcome sexual advance, request for sexual  
442 favours, or other verbal, nonverbal, or physical conduct of a  
443 sexual nature directed at an individual when:

444 1. Submission to such conduct is explicitly or implicitly  
445 made a condition of employment;

446 2. Submission to or rejection of such conduct is used as  
447 the basis for an official action; or

448 3. Such conduct has the purpose or effect of creating a  
449 persistently intimidating and hostile environment, as that term  
450 is defined in state and federal law.

451 (b) Any conduct defined as sexual harassment under  
452 applicable state and federal law.

453 (4) An individual subjected to sexual harassment is  
454 encouraged to report such misconduct as soon as possible.

455 (a) A report of sexual harassment may be made by written  
456 complaint or verbal report that is provided to at least one  
457 official recipient designated by the applicable agency. The term  
458 "applicable agency" means the agency employing the individual  
459 reporting sexual harassment and any other agency employing or  
460 having regulatory or disciplinary authority over the conduct of  
461 the individual accused of sexual harassment.

462 (b) A designated official recipient of reports of sexual  
463 harassment is required to respond promptly and initiate such  
464 actions as specified by rule and administrative policies of the  
465 applicable agency.

466 (c) An individual with supervisory responsibility for an  
467 employee who is subjected to alleged sexual harassment and who  
468 observes or has direct knowledge of such misconduct is required  
469 to respond promptly and initiate such actions as specified by  
470 rule and administrative policies of the applicable agency.

471 (5) Retaliation against an individual reporting sexual  
472 harassment is prohibited. Potential disciplinary actions or  
473 other consequences that may result from attempted or actual  
474 retaliation shall be specified by rule and administrative  
475 policies of the applicable agency.

476 (6) An individual accused of sexual harassment may not  
477 violate any confidentiality requirement imposed on such  
478 individual by rule or agreement.

479 (7) A complaint filed with the commission alleging a  
480 violation of this section shall be processed in the same manner  
481 as other types of complaints filed with the commission pursuant  
482 to this part.

483 Section 10. Effective upon this act becoming a law,  
484 section 112.3132, Florida Statutes, is created to read:

485 112.3132 Procedural requirements for prevention of and  
486 protection from sexual harassment.—

487 (1) All agencies shall prevent and protect individuals  
488 from sexual harassment by operating under administrative  
489 policies and procedures consistent with s. 112.3131 and this  
490 section. Each agency is authorized to adopt rules and  
491 administrative policies and procedures necessary to implement  
492 this section.

493 (a) Written policies shall be established, reviewed at  
494 least every 2 years, and revised as necessary.

495 1. Policies shall designate, in addition to an employee's  
496 immediate supervisor, at least two individuals as official  
497 recipients who may receive reports of sexual harassment.

498 2. Policies shall provide guidelines and establish limits  
499 for dating or romantic relationships when such relationships may

500 be incompatible with supervisory responsibilities or proper  
501 operations of the agency.

502 3. Employees of an agency and the public shall be afforded  
503 the opportunity to review and comment on policies before they  
504 are adopted. Adopted policies shall be provided to each employee  
505 of an agency and made publicly available as appropriate or upon  
506 request.

507 (b) Training shall be provided to employees of an agency  
508 and public officers regarding requirements of federal and state  
509 law and administrative rules and policies related to sexual  
510 harassment. A signed acknowledgement of the receipt of such  
511 training must be included in each employee's personnel record  
512 and, as of January 1, 2019, in the financial disclosure form  
513 filed by public officers. Information shall be made available to  
514 the public regarding the application of s. 112.3131 to lobbyists  
515 or persons doing business with public agencies.

516 (c) All employees of an agency and individuals subjected  
517 to sexual harassment shall be notified that they may submit a  
518 complaint to the commission in lieu of or in addition to other  
519 reporting procedures. Agencies shall offer employees subjected  
520 to sexual harassment the services of a victim advocate and make  
521 reasonable accommodations to protect such employees and  
522 individuals from continued sexual harassment or retaliation.

523 (d) Each agency shall conduct periodic assessments at  
524 least every 2 years beginning in 2018 to determine current and

525 prevalent attitudes and behaviors related to sexual harassment.  
526 The assessment methodology shall provide an opportunity for  
527 anonymous or confidential input. The results of each agency's  
528 assessment shall be distributed to employees and made publicly  
529 available no later than September 30.

530 (e) Verbal reports of sexual harassment shall be permitted  
531 and consistent procedures shall be established for the  
532 management of verbal reports. Such procedures shall require  
533 reasonable inquiry and evaluation of verbal reports, the  
534 remediation of specific problems and conditions described in  
535 verbal reports, and the determination of an alleged victim's  
536 satisfaction with the actions taken as a result of the verbal  
537 report. The individual acting on the verbal report shall report  
538 the matter to a designated official recipient if the victim of  
539 alleged harassment indicates that the reported sexual harassment  
540 has not been resolved.

541 (f) Procedures shall be established for submitting written  
542 complaints and initiating official investigations. An  
543 investigation initiated by a written complaint shall be  
544 completed within a reasonable timeframe.

545 1. The investigation may include a brief, preliminary  
546 review with the complainant and a limited number of witnesses  
547 before the initiation of a full investigation and notification  
548 of the complaint to the individual accused of sexual harassment.

549 However, a complainant may not be required to participate in a  
550 preliminary review.

551 2. As soon as possible after completing a preliminary  
552 review, the individual accused of sexual harassment shall be  
553 provided with a copy of the written complaint.

554 3. An individual under investigation for alleged sexual  
555 harassment shall be given an opportunity to offer evidence,  
556 including, but not limited to, witnesses who may have  
557 exculpatory information.

558 4. The written complaint, the identities of the  
559 complainant and witnesses, and all information in the record of  
560 the investigation shall be confidential until probable cause is  
561 determined.

562 5. Determination of probable cause shall be documented in  
563 written findings prepared by the investigator, which shall be  
564 sufficiently specific to support the validity of the findings,  
565 but may omit information that discloses the identity of the  
566 complainant and witnesses or information that is unnecessarily  
567 embarrassing. The written findings shall be made publicly  
568 available upon request.

569 6. Agency policies and procedures shall provide for a  
570 hearing at the request of the individual accused of sexual  
571 harassment following a determination of probable cause. Such  
572 policies and procedures must ensure due process for the  
573 individual accused of sexual harassment, an opportunity for

574 legal representation, and reasonable accommodations to protect  
575 the complainant and witnesses from retaliation.

576 7. The type and severity of potential disciplinary actions  
577 for individuals determined to have committed sexual harassment  
578 shall be described in written policies, unless otherwise  
579 provided by law. Disciplinary actions for employees of an agency  
580 and public officers may include reassignment, fines, dismissal,  
581 or removal from office, when permitted by law. Disciplinary  
582 actions for private persons shall be consistent with the  
583 agency's regulatory authority over such persons and may include  
584 a permanent or temporary suspension of such person's right to  
585 lobby or do business with the agency.

586 (2) When an investigation of a report of sexual harassment  
587 produces evidence supporting a reasonable suspicion of a  
588 criminal violation, the investigating agency must promptly refer  
589 such evidence to the appropriate law enforcement agency.

590 (3) Each agency must maintain a record of all written  
591 complaints of sexual harassment for at least as long as  
592 personnel records are maintained. The record must include a copy  
593 of the written complaint; the identities and positions of the  
594 complainant, the witnesses involved in the investigation, and  
595 the individual accused of sexual harassment; the procedures  
596 followed during and after the investigation; and any specific  
597 actions taken in response to the complaint. The biennial  
598 assessment conducted pursuant to paragraph (1)(d) must include



599 aggregated and de-identified data from the records for the most  
600 recent 24-month period.

601 (4) An individual who knowingly makes a written complaint  
602 of sexual harassment that is materially false is subject to  
603 discipline up to and including fines, suspension, or dismissal.

604 (5) An agreement prohibiting disclosure of any allegation  
605 or report of sexual harassment and any investigation of sexual  
606 harassment may not be enforced against a victim of alleged  
607 sexual harassment.

608 (6) Violations of this section are not subject to the  
609 jurisdiction of the commission.

610 Section 11. Effective upon this act becoming a law,  
611 section 112.3133, Florida Statutes, is created to read:

612 112.3133 Task Force on the Prevention of Sexual  
613 Harassment.—

614 (1) There is created the Task Force on the Prevention of  
615 Sexual Harassment. The task force shall convene no later than  
616 November 30, 2018, and at least every 2 years thereafter. The  
617 task force shall meet as many times as necessary to complete the  
618 duties prescribed in this section. The task force is created for  
619 the express purpose of supporting the state's efforts to prevent  
620 and prohibit sexual harassment. The Governor, the President of  
621 the Senate, and the Speaker of the House of Representatives  
622 shall assign staff to assist the task force in the performance  
623 of its duties.

624       (2) The Governor, the President of the Senate, and the  
625 Speaker of the House of Representatives shall each appoint three  
626 members of the task force. The chair of the task force shall be  
627 designated by the Governor. A vacancy in the membership of the  
628 task force shall be filled in the same manner as the original  
629 appointment.

630       (3) The task force shall:

631       (a) Study the problem of sexual harassment;

632       (b) Review agency assessments conducted pursuant to s.  
633 112.3132(1)(d);

634       (c) Evaluate the effectiveness of sexual harassment  
635 policies established in state law, rule, and administrative  
636 policy; and

637       (d) Examine the best practices for effective prevention of  
638 sexual harassment.

639       (4) The task force shall report its findings and  
640 recommendations to the Governor, the President of the Senate,  
641 and the Speaker of the House of Representatives at least 30 days  
642 before the beginning of the next legislative session.

643       (5) Members of the task force shall serve without  
644 compensation, but may be reimbursed for travel expenses in  
645 accordance with s. 112.061 at the discretion of the appointing  
646 authority.

647       Section 12. Section 112.3181, Florida Statutes, is created  
648 to read:

649 112.3181 Additional standards for statewide elected  
650 officers and legislators.—

651 (1) A statewide elected officer or member of the  
652 Legislature may not solicit an employment offer or investment  
653 advice arising out of official or political activities engaged  
654 in while he or she is an officer or legislator or a candidate  
655 for such office, except in the following circumstances:

656 (a) The officer or legislator may solicit or accept future  
657 employment, including professional partnerships, in the last 180  
658 days of his or her term of office if he or she is ineligible to  
659 run for reelection or has publicly announced, and filed a letter  
660 or other written notice with the qualifying officer with whom  
661 reelection qualification papers are filed, that he or she is not  
662 and does not intend to become a candidate for reelection.

663 (b) The officer or legislator may solicit or accept  
664 employment from any prospective employer in a profession or  
665 occupation in which he or she has formerly engaged, has been  
666 formally educated or trained, or is licensed unless such  
667 employment is prohibited by other general law.

668 (2) A statewide elected officer or member of the  
669 Legislature may not solicit or accept investment advice from or  
670 solicit or enter into an investment, joint venture, or other  
671 profitmaking relationship with a lobbyist or principal, as those  
672 terms are defined in s. 11.045 or s. 112.3215. However, the  
673 officer or legislator may buy or sell listed, publicly traded

674 securities of a principal without the advice of a lobbyist or  
675 principal unless such action violates s. 112.313. For purposes  
676 of this section, the phrase "investment, joint venture, or other  
677 profitmaking relationship" does not include an employment  
678 relationship or any enterprise organized to employ or engage the  
679 personal services of individuals including the officer or  
680 legislator. For purposes of this section, the terms "investment  
681 advice" and "profitmaking relationship" do not include a client  
682 relationship with a licensed investment broker, licensed  
683 investment advisor, or similarly licensed professional to whom  
684 the officer or legislator pays ordinary and reasonable fees for  
685 services, regardless of such broker's, advisor's, or  
686 professional's status as a lobbyist's principal or a nonlobbyist  
687 employee of such principal.

688 (3) A lobbyist or principal who receives a solicitation  
689 prohibited by this section by or on behalf of a statewide  
690 elected officer or member of the Legislature must disclose such  
691 solicitation to the commission. Any other person who receives  
692 such solicitation may disclose such solicitation to the  
693 commission. The commission may investigate any disclosure under  
694 this subsection as if it were a valid complaint under this part.

695 (4) (a) A statewide elected officer or member of the  
696 Legislature must file a written disclosure with the commission  
697 upon acceptance of the following:

698 1. Any new employment with or increased compensation from

699 an entity that receives state funds directly by appropriation;

700 2. Any new employment with or increased compensation from  
701 an agency;

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

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

708 (b) The disclosure must identify the applicable  
709 subparagraph of paragraph (a), employer, position, salary or  
710 other compensation, and effective date of employment or  
711 increased compensation. Such disclosure must be filed within 30  
712 days after he or she accepts the employment or increased  
713 compensation or before the effective date of employment or  
714 increased compensation, whichever date is earliest. With respect  
715 to employment or increased compensation accepted or effective  
716 between December 31, 2017, and July 1, 2018, the officer or  
717 legislator must file such disclosure within 30 days after July  
718 1, 2018. The commission shall publish such disclosures with the  
719 officer's or legislator's full financial disclosure on its  
720 website. The commission may adopt forms for disclosure and may  
721 adopt rules requiring electronic submission of the disclosure  
722 required by this subsection.

723 Section 13. Subsection (7) of section 112.3185, Florida

724 Statutes, is renumbered as subsection (8), subsection (1) and  
725 present subsection (8) are amended, and a new subsection (7) is  
726 added to that section, to read:

727       112.3185 Additional standards for state officers and  
728 agency employees.—

729       (1) For the purposes of this section:

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

732       (b) "Agency" means any state officer, department, board,  
733 commission, or council of the executive, legislative or judicial  
734 branch of state government and includes the Public Service  
735 Commission.

736       (c) "Covered officer" means a state officer who is serving  
737 in a position that is not an elective position. The term does  
738 not include a person who is appointed to fill an unexpired term  
739 of an elective office.

740       (d) "Negotiate" or "negotiation" means a response to an  
741 offer or solicitation of offers of an employment or contractual  
742 relationship, including the submission of a resume, an  
743 application, or any other information demonstrating interest on  
744 the part of a prospective employee and interviewing or engaging  
745 in other communication intended to lead to an offer or  
746 acceptance of an employment or contractual relationship.

747       (e) "Reporting employee" means any agency employee who is  
748 a reporting individual or procurement employee, as those terms

749 are defined in s. 112.3148.

750 (f) "Restricted employer," with respect to any state  
751 officer or agency employee, means any entity that does business  
752 with or is subject to regulation by an agency employing the  
753 covered officer or reporting employee and any person or entity  
754 from whom the covered officer or reporting employee may not  
755 solicit a gift under s. 112.3148(3).

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

760 (7) A covered officer or reporting employee who is  
761 employed in such position on or after January 8, 2019, may not  
762 solicit an employment or contractual relationship from or  
763 negotiate an employment or contractual relationship with a  
764 restricted employer except as provided in this subsection.

765 (a) A covered officer or reporting employee may solicit a  
766 future employment or contractual relationship from or negotiate  
767 a future employment or contractual relationship with a  
768 restricted employer within 90 days before the expiration of the  
769 officer's term of office, if the officer does not seek  
770 reappointment, or within 90 days before the officer's or  
771 employee's termination or retirement date, if he or she provides  
772 notice of termination or retirement to the head of his or her  
773 agency, the general counsel or inspector general of his or her

774 agency, or any other officer or attorney designated by the head  
775 of his or her agency.

776 (b) If a covered officer or reporting employee has been  
777 notified by his or her appointing authority or employing agency  
778 that he or she will be discharged from office or dismissed or  
779 terminated from employment, he or she may solicit a future  
780 employment or contractual relationship from or negotiate a  
781 future employment or contractual relationship with a restricted  
782 employer at any time after such notice but not sooner than 180  
783 days before his or her employment is scheduled to end.

784 (c) A covered officer or reporting employee must disclose  
785 to the head of his or her agency, the general counsel or  
786 inspector general of his or her agency, or any other officer or  
787 attorney designated by the head of his or her agency any offer  
788 from a restricted employer of an employment or contractual  
789 relationship. After such disclosure, a covered officer or  
790 reporting employee may negotiate an employment or contractual  
791 relationship with the restricted employer if expressly  
792 authorized by the head of his or her agency or the agency head's  
793 authorized designee. Permission may be withheld only if the  
794 agency head or his or her authorized designee determines such  
795 negotiation poses an actual or potential conflict with the  
796 interests of the state or the agency.

797 (d) This subsection does not authorize any employment or  
798 contractual relationship solicitation otherwise prohibited by



799 general law.

800 (9)(8) Subsections (1) through (6) of this section do not  
 801 apply is not applicable to any employee of the Public Service  
 802 Commission who was so employed on or before December 31, 1994,  
 803 unless so employed on or after January 8, 2019.

804 Section 14. Paragraphs (a), (f), and (h) of subsection  
 805 (1), subsections (3) and (4), paragraph (a) of subsection (5),  
 806 and subsections (7) and (8) of section 112.3215, Florida  
 807 Statutes, are amended, and subsection (15) of that section is  
 808 reenacted, to read:

809 112.3215 Lobbying before the executive branch or the  
 810 Constitution Revision Commission; registration and reporting;  
 811 investigation by commission.-

812 (1) For the purposes of this section:

813 (a) "Agency" means the Governor; the~~7~~ Governor and  
 814 Cabinet;~~7~~~~or~~ any department, division, bureau, board,  
 815 commission, or authority of the executive branch; the State  
 816 Board of Education; or the Board of Governors of the State  
 817 University System. In addition, "agency" means ~~shall mean~~ the  
 818 Constitution Revision Commission as provided by s. 2, Art. XI of  
 819 the State Constitution.

820 (f) "Lobbying" ~~"Lobbies"~~ means seeking, on behalf of  
 821 another person, to influence an agency with respect to a  
 822 decision of the agency in the area of policy or procurement or  
 823 an attempt to obtain the goodwill of an agency official or

824 employee. "Lobbying" ~~"Lobbies"~~ also means influencing or  
825 attempting to influence, on behalf of another, the Constitution  
826 Revision Commission's action or nonaction through oral or  
827 written communication or an attempt to obtain the goodwill of a  
828 member or employee of the Constitution Revision Commission.

829 (h) "Lobbyist" means a person who is employed and receives  
830 payment, or who contracts for economic consideration, for the  
831 purpose of lobbying, or a person who is principally employed for  
832 governmental affairs by another person or governmental entity to  
833 lobby on behalf of that other person or governmental entity. The  
834 term "principally employed for governmental affairs" means that  
835 one of the principal or most significant responsibilities of the  
836 employee to the employer is overseeing the employer's various  
837 relationships with government or representing the employer in  
838 its contacts with government. "Lobbyist" does not include a  
839 person who is:

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

844 2. An officer or employee of an agency, or of a  
845 legislative or judicial branch entity, or a political  
846 subdivision of this state acting in the normal course of his or  
847 her office or duties.

848 3. A confidential informant who is providing, or wishes to

849 provide, confidential information to be used for law enforcement  
850 purposes.

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

854 (3) A person may not lobby an agency until such person has  
855 electronically registered as a lobbyist with the commission.  
856 Such registration shall be due upon initially being retained to  
857 lobby and is renewable on a calendar year basis thereafter. The  
858 commission shall request authorization from the principal with  
859 the principal's name, business address, e-mail address, and  
860 telephone number to confirm that the registrant is authorized to  
861 represent the principal. ~~Upon registration the person shall~~  
862 ~~provide a statement signed by the principal or principal's~~  
863 ~~representative that the registrant is authorized to represent~~  
864 ~~the principal.~~ The principal or principal's representative shall  
865 also identify and designate its main business pursuant to the  
866 North American Industry Classification System (NAICS) six-digit  
867 numerical code that most accurately describes the principal's  
868 main business. Registration is not complete until the commission  
869 receives the principal's authorization and the registration fee  
870 ~~on the statement authorizing that lobbyist pursuant to a~~  
871 ~~classification system approved by the commission.~~ The  
872 registration shall require each lobbyist to attest to ~~disclose,~~  
873 ~~under oath,~~ the following information:

- 874 (a) Full legal name, e-mail address, telephone number,  
875 ~~Name~~ and business address;
- 876 (b) The full name, e-mail address, telephone number, and  
877 business address of each principal represented;
- 878 (c) ~~His or her area of interest;~~
- 879 ~~(d)~~ The agencies before which he or she will appear; and
- 880 (d)~~(e)~~ The existence of any direct or indirect business  
881 association, partnership, or financial relationship with any  
882 employee of an agency with which he or she lobbies, or intends  
883 to lobby, as disclosed in the registration.
- 884 (4) The annual lobbyist registration fee shall be set by  
885 the commission by rule, not to exceed \$20 ~~\$40~~ for each principal  
886 represented plus, for each principal, a fee not to exceed \$5 for  
887 each agency after the first.
- 888 (5)(a)1. Each lobbying firm shall file a compensation  
889 report with the commission for each calendar quarter during any  
890 portion of which one or more of the firm's lobbyists were  
891 registered to represent a principal. The report shall include  
892 the:
- 893 a. Full name, e-mail address, business address, and  
894 telephone number of the lobbying firm;
- 895 b. Name of each of the firm's lobbyists; and
- 896 c. Total compensation provided or owed to the lobbying  
897 firm from all principals for the reporting period, reported in  
898 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to

899 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
900 \$999,999; \$1 million or more.

901 2. For each principal represented by one or more of the  
902 firm's lobbyists, the lobbying firm's compensation report shall  
903 also include the:

904 a. Full name, e-mail address, business address, and  
905 telephone number of the principal; and

906 b. Total compensation provided or owed to the lobbying  
907 firm for the reporting period, reported in one of the following  
908 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
909 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
910 more. If the category "\$50,000 or more" is selected, the  
911 specific dollar amount of compensation must be reported, rounded  
912 up or down to the nearest \$1,000.

913 3. If the lobbying firm subcontracts work from another  
914 lobbying firm and not from the original principal:

915 a. The lobbying firm providing the work to be  
916 subcontracted shall be treated as the reporting lobbying firm's  
917 principal for reporting purposes under this paragraph; and

918 b. The reporting lobbying firm shall, for each lobbying  
919 firm identified under subparagraph 2., identify the name and  
920 address of the principal originating the lobbying work.

921 4. The senior partner, officer, or owner of the lobbying  
922 firm shall certify to the veracity and completeness of the  
923 information submitted pursuant to this paragraph.

924           (7) A lobbyist shall promptly send a written statement to  
925 the commission canceling the designation of ~~registration for~~ a  
926 principal in his or her registration upon termination of such  
927 ~~the lobbyist's representation of that principal.~~ The commission  
928 may cancel a lobbyist's designation of a principal upon the  
929 principal's notification that the lobbyist is no longer  
930 authorized to represent the principal ~~Notwithstanding this~~  
931 ~~requirement, the commission may remove the name of a lobbyist~~  
932 ~~from the list of registered lobbyists if the principal notifies~~  
933 ~~the office that a person is no longer authorized to represent~~  
934 ~~that principal.~~

935           (8) (a) The commission shall investigate every sworn  
936 complaint that is filed with it alleging that a person covered  
937 by this section has failed to register, has failed to submit a  
938 compensation report, has made a prohibited expenditure, or has  
939 knowingly submitted false information in any report or  
940 registration required in this section.

941           (b) All proceedings, the complaint, and other records  
942 relating to the investigation are confidential and exempt from  
943 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
944 Constitution, and any meetings held pursuant to an investigation  
945 are exempt from the provisions of s. 286.011(1) and s. 24(b),  
946 Art. I of the State Constitution either until the alleged  
947 violator requests in writing that such investigation and  
948 associated records and meetings be made public or until the

949 commission determines, based on the investigation, whether  
950 probable cause exists to believe that a violation has occurred.

951 (c) The commission shall investigate any lobbying firm,  
952 lobbyist, principal, agency, officer, or employee upon receipt  
953 of information from a sworn complaint or from a random audit of  
954 lobbying reports indicating that the individual or entity has  
955 intentionally failed to disclose any material fact or has  
956 knowingly submitted false information in any report required by  
957 this section or by rules adopted pursuant to this section ~~a~~  
958 ~~possible violation other than a late-filed report.~~

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

965 (e)1. Records relating to an audit conducted pursuant to  
966 this section or an investigation conducted pursuant to this  
967 section or s. 112.32155 are confidential and exempt from s.  
968 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

972 3. The exemptions no longer apply if the lobbying firm  
973 requests in writing that such investigation and associated

974 records and meetings be made public or the commission determines  
975 there is probable cause that the audit reflects a violation of  
976 the reporting laws.

977 (15) The commission shall adopt rules to administer this  
978 section, which shall prescribe forms for registration and  
979 compensation reports, procedures for registration, and  
980 procedures that will prevent disclosure of information that is  
981 confidential as provided in this section.

982 Section 15. Except as otherwise expressly provided in this  
983 act and except for this section, which shall take effect upon  
984 this act becoming a law, this act shall take effect July 1,  
985 2018.