

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 members of a municipality governing
23 body to file a full and public disclosure of financial
24 interests; providing disclosure requirements; amending
25 s. 112.3145, F.S.; providing disclosure requirements;

26 providing applicability; amending s. 112.31455, F.S.;

27 applying provisions relating to collecting unpaid

28 fines for failing to file such disclosures to school

29 districts; amending s. 112.3148, F.S.; conforming

30 provisions to specified local government lobbyist

31 registration requirements effective October 1, 2018;

32 providing for the future removal of local government

33 authority to enact a rule or ordinance requiring

34 lobbyists to register with the local government;

35 providing for the future repeal of s. 112.3261, F.S.,

36 relating to registration and reporting for lobbying

37 water management districts; creating s. 112.3262,

38 F.S.; providing definitions; requiring the commission

39 to create the Local Government Lobbyist Registration

40 System; requiring lobbyists to register with the

41 commission before lobbying governmental entities

42 effective a specified date; providing registration

43 requirements and fees; providing responsibilities of

44 the lobbyist, governmental entity, commission, and

45 Governor; providing civil penalties; authorizing the

46 suspension of certain lobbyists; authorizing the

47 commission to adopt rules; requiring the commission to

48 provide advisory opinions for specified purposes;

49 amending s. 218.32, F.S.; requiring the Department of

50 Financial Services to file an annual report with the

51 Legislature and commission by a specified date;
 52 declaring that the act fulfills an important state
 53 interest; providing effective dates.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsection (7) of section 112.313, Florida
 58 Statutes, is amended to read:

59 112.313 Standards of conduct for public officers,
 60 employees of agencies, and local government attorneys.—

61 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

62 (a) A ~~Ne~~ public officer or employee of an agency may not
 63 ~~shall~~ have or hold any employment or contractual relationship
 64 with any business entity or any agency that ~~which~~ is subject to
 65 the regulation of, or is doing business with, an agency of which
 66 he or she is an officer or employee, excluding those
 67 organizations and their officers who, when acting in their
 68 official capacity, enter into or negotiate a collective
 69 bargaining contract with the state or any municipality, county,
 70 or other political subdivision of the state; and ~~nor shall~~ an
 71 officer or employee of an agency may not have or hold any
 72 employment or contractual relationship that will create a
 73 continuing or frequently recurring conflict between his or her
 74 private interests and the performance of his or her public
 75 duties or that would impede the full and faithful discharge of

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

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

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

101 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
 102 prohibited by this subsection or ~~be~~ deemed a conflict.

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

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

110 112.3142 Ethics training for specified constitutional
 111 officers, ~~and~~ and elected municipal officers, and members of a
 112 governing board of a special district or water management
 113 district.-

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

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

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

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

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

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

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

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

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

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

185 112.3143 Voting conflicts.—

186 (3) (a) A ~~No~~ county, municipal, or other local public
187 officer or governing board member of a special district or
188 school district may not shall vote in an official capacity upon
189 any measure which would inure to his or her special private gain
190 or loss; which he or she knows would inure to the special
191 private gain or loss of any principal by whom he or she is
192 retained or to the parent organization or subsidiary of a
193 corporate principal by which he or she is retained, other than
194 an agency as defined in s. 112.312(2); or which he or she knows
195 would inure to the special private gain or loss of a relative or
196 business associate of the public officer or board member. Such
197 public officer or board member shall, prior to the vote being
198 taken, publicly state to the assembly the nature of the
199 officer's or member's interest in the matter from which he or
200 she is abstaining from voting and, within 15 days after the vote

201 | occurs, disclose the nature of his or her interest as a public
202 | record in a memorandum filed with the person responsible for
203 | recording the minutes of the meeting, who shall incorporate the
204 | memorandum in the minutes.

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

210 | (4) A county, municipal, other local public officer,
211 | governing board member of a special district or school district,
212 | or ~~No~~ appointed public officer, may not ~~shall~~ participate in any
213 | matter which would inure to the officer's or member's special
214 | private gain or loss; which the officer or member knows would
215 | inure to the special private gain or loss of any principal by
216 | whom he or she is retained or to the parent organization or
217 | subsidiary of a corporate principal by which he or she is
218 | retained; or which he or she knows would inure to the special
219 | private gain or loss of a relative or business associate of the
220 | public officer or board member, without first disclosing the
221 | nature of his or her interest in the matter.

222 | (a) Such disclosure, indicating the nature of the
223 | conflict, shall be made in a written memorandum filed with the
224 | person responsible for recording the minutes of the meeting,
225 | prior to the meeting in which consideration of the matter will

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

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

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

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

251 112.3144 Full and public disclosure of financial
252 interests.—

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

262 (b) Each member of the governing body of a municipality
263 that had \$10 million or more in total revenue for the 3
264 consecutive fiscal years ending prior to the year the disclosure
265 covers shall file a full and public disclosure of financial
266 interests with the Commission on Ethics. Each member of the
267 governing body of such municipality shall continue to file a
268 full and public disclosure until the municipality has less than
269 \$10 million in total revenue for 3 consecutive fiscal years. For
270 purposes of this paragraph, the verified report that the
271 Department of Financial Services files with the Commission on
272 Ethics in accordance with s. 218.32(3) shall be the sole basis
273 for determining whether a municipality has \$10 million or more
274 in total revenue, except that a municipality that has not had
275 its annual financial report certified in accordance with s.

276 218.32 on or before November 30 of the year in which it is due
277 shall be considered to have \$10 million or more in total revenue
278 for such year. If an uncertified report is subsequently
279 certified by the Department of Financial Services, the certified
280 report shall be used in any disclosure period beginning after
281 the report is certified.

282 (c) An officer or a member who is required to complete
283 annual ethics training pursuant to s. 112.3142 must certify on
284 his or her full and public disclosure of financial interests
285 that he or she has completed the required training.
286 Additionally, beginning January 1, 2018, an officer or a member
287 who is required to complete annual ethics training pursuant to
288 s. 112.3142 must provide the name of the training provider on
289 his or her full and public disclosure of financial interests.

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

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

310 (8)

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

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

321 112.3145 Disclosure of financial interests and clients
322 represented before agencies.—

323 (4) Beginning January 1, 2015, an officer who is required
324 to complete annual ethics training pursuant to s. 112.3142 must
325 certify on his or her statement of financial interests that he

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

331 (10)

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

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

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

346 112.31455 Collection methods for unpaid automatic fines
347 for failure to timely file disclosure of financial interests.—

348 (1) Before referring any unpaid fine accrued pursuant to
349 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
350 Services, the commission shall attempt to determine whether the

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

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

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

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

372 112.3148 Reporting and prohibited receipt of gifts by
373 individuals filing full or limited public disclosure of
374 financial interests and by procurement employees.—

375 (2) As used in this section:

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

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

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

400 Section 10. Section 112.3262, Florida Statutes, is created

401 to read:

402 112.3262 Lobbying before governmental entities.—

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

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

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

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

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

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

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

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

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

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

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

450 7. Seeks to procure a contract which is less than \$20,000

451 or a contract pursuant s. 287.056.

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

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

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

475 (3) Beginning October 1, 2018, a person may not lobby a

476 governmental entity until such person has electronically
477 registered as a lobbyist with the commission. Such initial
478 registration shall be due upon being retained to lobby and is
479 renewable annually on the anniversary of the lobbyist's
480 registration or in the month of the lobbyist's birth as selected
481 by the lobbyist at the time of registration. The commission
482 shall request authorization from the principal using the
483 principal's name, business address, e-mail address, and
484 telephone number to confirm that the registrant is authorized to
485 represent the principal. The principal or principal's
486 representative shall identify and designate its main business
487 pursuant to the North American Industry Classification System
488 (NAICS) six digit numerical code that most accurately describes
489 its main business. Registration is incomplete until the
490 commission receives the principal's authorization and the
491 registration fee. Any changes to the information required by
492 this subsection must be disclosed within 15 days by the lobbyist
493 updating his or her registration. The commission may require
494 separate registration submissions for each county and multi-
495 county governmental entity, but each submission may include,
496 without an additional fee, any governmental entity in the county
497 for which the submission is made. A person required to register
498 as a lobbyist under this subsection must register through the
499 electronic system and must attest to the following:
500 (a) Full legal name, birth month, e-mail address,

501 telephone number, and business address.

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

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

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

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

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

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

524 (7) A governmental entity must use reasonable efforts to
525 ascertain whether a lobbyist has registered pursuant to this

526 section. A governmental entity may not knowingly authorize an
527 unregistered lobbyist to lobby the entity.

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

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

549 (c) If the Governor finds that a violation occurred, he or
550 she may reprimand the violator, censure the violator, or asses a

551 civil penalty against the violator in accordance with this
552 section.

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

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

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

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

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

576 and its agencies on behalf of any principal for up to 2 years.

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

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

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

601 the lobbyist at the time of registration, the adoption of forms,
602 the method of registering specific entities lobbied, the
603 exchange of information with local governmental entities, and
604 the establishment of fees authorized in this section.

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

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

616 218.32 Annual financial reports; local governmental
617 entities.—

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

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

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