

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

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

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

121

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

123

124 Section 1. Section 11.061, Florida Statutes, is repealed.

125 Section 2. Effective upon this act becoming a law, section

126 | 11.255, Florida Statutes, is created to read:

127 |       11.255 Protection from sexual harassment.—

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

130 |       (2) The Senate and the House of Representatives shall  
 131 | establish rules, policies, and procedures consistent with ss.  
 132 | 112.3131 and 112.3132.

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

137 |       25.382 State courts system.—

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

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

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

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

151 certificate of deposit, or gift of money or anything of value  
152 made for the purpose of influencing the results of an election  
153 or making an electioneering communication. However,  
154 "expenditure" does not include the following:

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

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

167 Section 5. Effective upon this act becoming a law, section  
168 106.112, Florida Statutes, is created to read:

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

175 Section 6. Section 106.114, Florida Statutes, is created

176 to read:

177 106.114 Elected official advertising.—

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

179 (a) "Governmental entity" means any executive, judicial,  
180 or quasi-judicial department; state university; community  
181 college; water management district; or political subdivision.

182 (b) "Public service announcement" means any message  
183 communicated by radio, television, electronic communication, or  
184 billboard that promotes or announces an issue of public  
185 importance, concern, or welfare.

186 (2) A governmental entity, a person acting on behalf of a  
187 governmental entity, or an elected official may not use or  
188 authorize the use of an elected official's name, image,  
189 likeness, official uniform, badge, or other symbol of office in  
190 a public service announcement beginning on the date that the  
191 elected official qualifies as a candidate, pursuant to s. 99.061  
192 or other applicable law, for reelection or election to another  
193 public office and ending on the day after the election for which  
194 the elected official qualified as a candidate if such  
195 announcement is paid for with public funds or if the time or  
196 space for such announcement is donated by the media. This  
197 subsection does not apply to charitable events held by an  
198 organization with tax-exempt status under s. 501(c)(3) of the  
199 Internal Revenue Code or bona fide news events such as press  
200 conferences or public debates broadcast by a licensed



201 broadcaster.

202 Section 7. Effective upon this act becoming a law, section  
203 110.1221, Florida Statutes, is amended to read:

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

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

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

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

220 Section 8. Subsections (7), (9), and (15) of section  
221 112.313, Florida Statutes, are amended to read:

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

224 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

225 (a) A ~~No~~ public officer or employee of an agency may not

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

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

251 by, or otherwise frustrates the intent of, this section must  
252 ~~shall~~ be deemed a conflict of interest in violation of the  
253 standards of conduct set forth by this section.

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

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

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

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

276 or attorney designated by the head of his or her agency any  
 277 offer of employment or contractual relationship that is  
 278 prohibited by this subsection.

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

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

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

298 2. As used in this paragraph:

299 a. "Employee" means:

300 (I) Any person employed in the executive or legislative

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

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

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

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

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

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

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

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

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

351 conferred upon such secretary, employee, or officer.

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

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

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

373       b. An agency employee, including an agency employee who  
374 was employed on July 1, 2001, in a Career Service System  
375 position that was transferred to the Selected Exempt Service

376 System under chapter 2001-43, Laws of Florida, may not  
377 personally represent another person or entity for compensation  
378 before the agency with which he or she was employed for a period  
379 of 2 years following vacation of position, except when unless  
380 employed by and representing another state agency ~~of state~~  
381 ~~government~~.

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

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

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

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

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

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

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



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

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

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

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

423 3.(e) The officer abstains from voting on any matter which  
424 may come before the agency involving the officer's employer,  
425 publicly states to the assembly the nature of the officer's

426 interest in the matter from which he or she is abstaining, and  
427 files a written memorandum as provided in s. 112.3143.

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

430 Section 9. Effective upon this act becoming a law, section  
431 112.3131, Florida Statutes, is created to read:

432 112.3131 Protection from sexual harassment.—

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

437 (2) All public employees, public officers, and private  
438 persons who interact with public employees and public officers  
439 must abide by this policy by complying with this section, s.  
440 112.3132, and applicable rules and administrative policies.

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

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

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

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

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

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

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

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

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

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

472        (5) Retaliation against an individual reporting sexual  
473 harassment is prohibited. Potential disciplinary actions or

474 other consequences that may result from attempted or actual  
475 retaliation shall be specified by rule and administrative  
476 policies of the applicable agency.

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

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

484 (8) An individual who makes a report of sexual harassment  
485 to an agency that he or she knows to be materially false or that  
486 is maliciously made with reckless disregard for the truth, for  
487 the identity of an alleged victim, or for the identity of the  
488 individual accused of sexual harassment commits a misdemeanor of  
489 the second degree, punishable as provided in s. 775.082 or s.  
490 775.083.

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

493 112.3132 Procedural requirements for prevention of and  
494 protection from sexual harassment.—

495 (1) All agencies shall prevent and protect individuals  
496 from sexual harassment by operating under administrative  
497 policies and procedures consistent with s. 112.3131 and this  
498 section. Each agency is authorized to adopt rules and

499 administrative policies and procedures necessary to implement  
500 this section.

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

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

506 2. Policies shall provide guidelines and establish limits  
507 for dating or romantic relationships when such relationships may  
508 be incompatible with supervisory responsibilities or proper  
509 operations of the agency.

510 3. Employees of an agency and the public shall be afforded  
511 the opportunity to review and comment on policies before they  
512 are adopted. Adopted policies shall be provided to each employee  
513 of an agency and made publicly available as appropriate or upon  
514 request.

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

524 (c) All employees of an agency and individuals subjected  
525 to sexual harassment shall be notified that they may submit a  
526 complaint to the commission in lieu of or in addition to other  
527 reporting procedures. Agencies shall offer employees subjected  
528 to sexual harassment the services of a victim advocate and make  
529 reasonable accommodations to protect such employees and  
530 individuals from continued sexual harassment or retaliation.

531 (d) Each agency shall conduct periodic assessments at  
532 least every 2 years beginning in 2018 to determine current and  
533 prevalent attitudes and behaviors related to sexual harassment.  
534 The assessment methodology shall provide an opportunity for  
535 anonymous or confidential input. The results of each agency's  
536 assessment shall be distributed to employees and made publicly  
537 available no later than September 30.

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

549 (f) Procedures shall be established for submitting written  
550 complaints and initiating official investigations. An  
551 investigation initiated by a written complaint shall be  
552 completed within a reasonable timeframe.

553 1. The investigation may include a brief, preliminary  
554 review with the complainant and a limited number of witnesses  
555 before the initiation of a full investigation and notification  
556 of the complaint to the individual accused of sexual harassment.  
557 However, a complainant may not be required to participate in a  
558 preliminary review.

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

562 3. An individual under investigation for alleged sexual  
563 harassment shall be given an opportunity to offer evidence,  
564 including, but not limited to, witnesses who may have  
565 exculpatory information.

566 4. Determination of probable cause shall be documented in  
567 written findings prepared by the investigator, which shall be  
568 sufficiently specific to support the validity of the findings.  
569 The written findings may not contain gratuitous details of a  
570 sexually explicit nature unless such details are indispensable  
571 to the determination of probable cause. To the extent that such  
572 details are indispensable to the determination of probable

573 cause, the written findings shall state such details as plain,  
574 unadorned statements of fact.

575 5. Agency policies and procedures shall provide for a  
576 hearing at the request of the individual accused of sexual  
577 harassment following a determination of probable cause. Such  
578 policies and procedures must ensure due process for the  
579 individual accused of sexual harassment, an opportunity for  
580 legal representation, and reasonable accommodations to protect  
581 the complainant and witnesses from retaliation.

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

592 (2) When an investigation of a report of sexual harassment  
593 produces evidence supporting a reasonable suspicion of a  
594 criminal violation, the investigating agency must promptly refer  
595 such evidence to the appropriate law enforcement agency.

596 (3) Each agency must maintain a record of all written  
597 complaints of sexual harassment for at least as long as



598 personnel records are maintained. The record must include a copy  
599 of the written complaint; the identities and positions of the  
600 complainant, the witnesses involved in the investigation, and  
601 the individual accused of sexual harassment; the procedures  
602 followed during and after the investigation; and any specific  
603 actions taken in response to the complaint. The biennial  
604 assessment conducted pursuant to paragraph (1)(d) must include  
605 aggregated and de-identified data from the records for the most  
606 recent 24-month period.

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

610 (5) An agreement prohibiting disclosure of any allegation  
611 or report of sexual harassment and any investigation of sexual  
612 harassment may not be enforced against a victim of alleged  
613 sexual harassment.

614 (6) Violations of this section are not subject to the  
615 jurisdiction of the commission.

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

618 112.3133 Task Force on the Prevention of Sexual  
619 Harassment.—

620 (1) There is created the Task Force on the Prevention of  
621 Sexual Harassment. The task force shall convene no later than  
622 November 30, 2018, and at least every 2 years thereafter. The

623 task force shall meet as many times as necessary to complete the  
624 duties prescribed in this section. The task force is created for  
625 the express purpose of supporting the state's efforts to prevent  
626 and prohibit sexual harassment. The Governor, the President of  
627 the Senate, and the Speaker of the House of Representatives  
628 shall assign staff to assist the task force in the performance  
629 of its duties.

630 (2) The Governor, the President of the Senate, and the  
631 Speaker of the House of Representatives shall each appoint three  
632 members of the task force. The chair of the task force shall be  
633 designated by the Governor. A vacancy in the membership of the  
634 task force shall be filled in the same manner as the original  
635 appointment.

636 (3) The task force shall:

637 (a) Study the problem of sexual harassment;

638 (b) Review agency assessments conducted pursuant to s.  
639 112.3132(1)(d);

640 (c) Evaluate the effectiveness of sexual harassment  
641 policies established in state law, rule, and administrative  
642 policy; and

643 (d) Examine the best practices for effective prevention of  
644 sexual harassment.

645 (4) The task force shall report its findings and  
646 recommendations to the Governor, the President of the Senate,

647 and the Speaker of the House of Representatives at least 30 days  
648 before the beginning of the next legislative session.

649 (5) Members of the task force shall serve without  
650 compensation, but may be reimbursed for travel expenses in  
651 accordance with s. 112.061 at the discretion of the appointing  
652 authority.

653 Section 12. Section 112.3181, Florida Statutes, is created  
654 to read:

655 112.3181 Additional standards for statewide elected  
656 officers and legislators.—

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

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

669 (b) The officer or legislator may solicit or accept  
670 employment from any prospective employer in a profession or  
671 occupation in which he or she has formerly engaged, has been

672 formally educated or trained, or is licensed unless such  
673 employment is prohibited by other general law.

674 (2) A statewide elected officer or member of the  
675 Legislature may not solicit or accept investment advice from or  
676 solicit or enter into an investment, joint venture, or other  
677 profitmaking relationship with a lobbyist or principal, as those  
678 terms are defined in s. 11.045 or s. 112.3215. However, the  
679 officer or legislator may buy or sell listed, publicly traded  
680 securities of a principal without the advice of a lobbyist or  
681 principal unless such action violates s. 112.313. For purposes  
682 of this section, the phrase "investment, joint venture, or other  
683 profitmaking relationship" does not include an employment  
684 relationship or any enterprise organized to employ or engage the  
685 personal services of individuals including the officer or  
686 legislator. For purposes of this section, the terms "investment  
687 advice" and "profitmaking relationship" do not include a client  
688 relationship with a licensed investment broker, licensed  
689 investment advisor, or similarly licensed professional to whom  
690 the officer or legislator pays ordinary and reasonable fees for  
691 services, regardless of such broker's, advisor's, or  
692 professional's status as a lobbyist's principal or a nonlobbyist  
693 employee of such principal.

694 (3) A lobbyist or principal who receives a solicitation  
695 prohibited by this section by or on behalf of a statewide  
696 elected officer or member of the Legislature must disclose such

697 solicitation to the commission. Any other person who receives  
698 such solicitation may disclose such solicitation to the  
699 commission. The commission may investigate any disclosure under  
700 this subsection as if it were a valid complaint under this part.

701 (4) (a) A statewide elected officer or member of the  
702 Legislature must file a written disclosure with the commission  
703 upon acceptance of the following:

704 1. Any new employment with or increased compensation from  
705 an entity that receives state funds directly by appropriation;

706 2. Any new employment with or increased compensation from  
707 an agency;

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

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

714 (b) The disclosure must identify the applicable  
715 subparagraph of paragraph (a), employer, position, salary or  
716 other compensation, and effective date of employment or  
717 increased compensation. Such disclosure must be filed within 30  
718 days after he or she accepts the employment or increased  
719 compensation or before the effective date of employment or  
720 increased compensation, whichever date is earliest. With respect  
721 to employment or increased compensation accepted or effective

722 between December 31, 2017, and July 1, 2018, the officer or  
723 legislator must file such disclosure within 30 days after July  
724 1, 2018. The commission shall publish such disclosures with the  
725 officer's or legislator's full financial disclosure on its  
726 website. The commission may adopt forms for disclosure and may  
727 adopt rules requiring electronic submission of the disclosure  
728 required by this subsection.

729 Section 13. Subsection (7) of section 112.3185, Florida  
730 Statutes, is renumbered as subsection (8), subsection (1) and  
731 present subsection (8) are amended, and a new subsection (7) is  
732 added to that section, to read:

733 112.3185 Additional standards for state officers and  
734 agency employees.—

735 (1) For the purposes of this section:

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

738 (b) "Agency" means any state officer, department, board,  
739 commission, or council of the executive, legislative or judicial  
740 branch of state government and includes the Public Service  
741 Commission.

742 (c) "Covered officer" means a state officer who is serving  
743 in a position that is not an elective position. The term does  
744 not include a person who is appointed to fill an unexpired term  
745 of an elective office.

746 (d) "Negotiate" or "negotiation" means a response to an

747 offer or solicitation of offers of an employment or contractual  
748 relationship, including the submission of a resume, an  
749 application, or any other information demonstrating interest on  
750 the part of a prospective employee and interviewing or engaging  
751 in other communication intended to lead to an offer or  
752 acceptance of an employment or contractual relationship.

753 (e) "Reporting employee" means any agency employee who is  
754 a reporting individual or procurement employee, as those terms  
755 are defined in s. 112.3148.

756 (f) "Restricted employer," with respect to any state  
757 officer or agency employee, means any entity that does business  
758 with or is subject to regulation by an agency employing the  
759 covered officer or reporting employee and any person or entity  
760 from whom the covered officer or reporting employee may not  
761 solicit a gift under s. 112.3148(3).

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

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

771 (a) A covered officer or reporting employee may solicit a

772 future employment or contractual relationship from or negotiate  
773 a future employment or contractual relationship with a  
774 restricted employer within 90 days before the expiration of the  
775 officer's term of office, if the officer does not seek  
776 reappointment, or within 90 days before the officer's or  
777 employee's termination or retirement date, if he or she provides  
778 notice of termination or retirement to the head of his or her  
779 agency, the general counsel or inspector general of his or her  
780 agency, or any other officer or attorney designated by the head  
781 of his or her agency.

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

790 (c) A covered officer or reporting employee must disclose  
791 to the head of his or her agency, the general counsel or  
792 inspector general of his or her agency, or any other officer or  
793 attorney designated by the head of his or her agency any offer  
794 from a restricted employer of an employment or contractual  
795 relationship. After such disclosure, a covered officer or  
796 reporting employee may negotiate an employment or contractual



797 relationship with the restricted employer if expressly  
 798 authorized by the head of his or her agency or the agency head's  
 799 authorized designee. Permission may be withheld only if the  
 800 agency head or his or her authorized designee determines such  
 801 negotiation poses an actual or potential conflict with the  
 802 interests of the state or the agency.

803 (d) This subsection does not authorize any employment or  
 804 contractual relationship solicitation otherwise prohibited by  
 805 general law.

806 (9)~~(8)~~ Subsections (1) through (6) of this section do not  
 807 apply ~~is not applicable~~ to any employee of the Public Service  
 808 Commission who was so employed on or before December 31, 1994,  
 809 unless so employed on or after January 8, 2019.

810 Section 14. Paragraphs (a), (f), and (h) of subsection  
 811 (1), subsections (3) and (4), paragraph (a) of subsection (5),  
 812 and subsections (7) and (8) of section 112.3215, Florida  
 813 Statutes, are amended, and subsection (15) of that section is  
 814 reenacted, to read:

815 112.3215 Lobbying before the executive branch or the  
 816 Constitution Revision Commission; registration and reporting;  
 817 investigation by commission.—

818 (1) For the purposes of this section:

819 (a) "Agency" means the Governor; the~~7~~ Governor and  
 820 Cabinet; ~~7~~~~or~~ any department, division, bureau, board,  
 821 commission, or authority of the executive branch; the State

822 Board of Education; or the Board of Governors of the State  
 823 University System. In addition, "agency" means ~~shall mean~~ the  
 824 Constitution Revision Commission as provided by s. 2, Art. XI of  
 825 the State Constitution.

826 (f) "Lobbying" ~~"Lobbies"~~ means seeking, on behalf of  
 827 another person, to influence an agency with respect to a  
 828 decision of the agency in the area of policy or procurement or  
 829 an attempt to obtain the goodwill of an agency official or  
 830 employee. "Lobbying" ~~"Lobbies"~~ also means influencing or  
 831 attempting to influence, on behalf of another, the Constitution  
 832 Revision Commission's action or nonaction through oral or  
 833 written communication or an attempt to obtain the goodwill of a  
 834 member or employee of the Constitution Revision Commission.

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

- 846 1. An attorney, or any person, who represents a client in

847 a judicial proceeding or in a formal administrative proceeding  
848 conducted pursuant to chapter 120 or any other formal hearing  
849 before an agency, board, commission, or authority of this state.

850 2. An officer or employee of an agency, ~~or of~~ a  
851 legislative or judicial branch entity, or a political  
852 subdivision of this state acting in the normal course of his or  
853 her office or duties.

854 3. A confidential informant who is providing, or wishes to  
855 provide, confidential information to be used for law enforcement  
856 purposes.

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

860 (3) A person may not lobby an agency until such person has  
861 electronically registered as a lobbyist with the commission.  
862 Such registration shall be due upon initially being retained to  
863 lobby and is renewable on a calendar year basis thereafter. The  
864 commission shall request authorization from the principal with  
865 the principal's name, business address, e-mail address, and  
866 telephone number to confirm that the registrant is authorized to  
867 represent the principal. ~~Upon registration the person shall~~  
868 ~~provide a statement signed by the principal or principal's~~  
869 ~~representative that the registrant is authorized to represent~~  
870 ~~the principal.~~ The principal or principal's representative shall  
871 also identify and designate its main business pursuant to the

872 North American Industry Classification System (NAICS) six-digit  
873 numerical code that most accurately describes the principal's  
874 main business. Registration is not complete until the commission  
875 receives the principal's authorization and the registration fee  
876 ~~on the statement authorizing that lobbyist pursuant to a~~  
877 ~~classification system approved by the commission.~~ The  
878 registration shall require each lobbyist to attest to disclose,  
879 ~~under oath,~~ the following information:

880 (a) Full legal name, e-mail address, telephone number,  
881 ~~Name~~ and business address;

882 (b) The full name, e-mail address, telephone number, and  
883 business address of each principal represented;

884 (c) ~~His or her area of interest;~~

885 ~~(d)~~ The agencies before which he or she will appear; and

886 (d)(e) The existence of any direct or indirect business  
887 association, partnership, or financial relationship with any  
888 employee of an agency with which he or she lobbies, or intends  
889 to lobby, as disclosed in the registration.

890 (4) The annual lobbyist registration fee shall be set by  
891 the commission by rule, not to exceed \$20 ~~\$40~~ for each principal  
892 represented plus, for each principal, a fee not to exceed \$5 for  
893 each agency after the first.

894 (5)(a)1. Each lobbying firm shall file a compensation  
895 report with the commission for each calendar quarter during any  
896 portion of which one or more of the firm's lobbyists were

897 registered to represent a principal. The report shall include  
 898 the:

- 899 a. Full name, e-mail address, business address, and  
 900 telephone number of the lobbying firm;
- 901 b. Name of each of the firm's lobbyists; and
- 902 c. Total compensation provided or owed to the lobbying  
 903 firm from all principals for the reporting period, reported in  
 904 one of the following categories: \$0; \$1 to \$49,999; \$50,000 to  
 905 \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to  
 906 \$999,999; \$1 million or more.

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

- 910 a. Full name, e-mail address, business address, and  
 911 telephone number of the principal; and
- 912 b. Total compensation provided or owed to the lobbying  
 913 firm for the reporting period, reported in one of the following  
 914 categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to  
 915 \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or  
 916 more. If the category "\$50,000 or more" is selected, the  
 917 specific dollar amount of compensation must be reported, rounded  
 918 up or down to the nearest \$1,000.

919 3. If the lobbying firm subcontracts work from another  
 920 lobbying firm and not from the original principal:

- 921 a. The lobbying firm providing the work to be

922 subcontracted shall be treated as the reporting lobbying firm's  
923 principal for reporting purposes under this paragraph; and

924 b. The reporting lobbying firm shall, for each lobbying  
925 firm identified under subparagraph 2., identify the name and  
926 address of the principal originating the lobbying work.

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

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

941 (8) (a) The commission shall investigate every sworn  
942 complaint that is filed with it alleging that a person covered  
943 by this section has failed to register, has failed to submit a  
944 compensation report, has made a prohibited expenditure, or has  
945 knowingly submitted false information in any report or  
946 registration required in this section.

947 (b) All proceedings, the complaint, and other records  
948 relating to the investigation are confidential and exempt from  
949 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
950 Constitution, and any meetings held pursuant to an investigation  
951 are exempt from the provisions of s. 286.011(1) and s. 24(b),  
952 Art. I of the State Constitution either until the alleged  
953 violator requests in writing that such investigation and  
954 associated records and meetings be made public or until the  
955 commission determines, based on the investigation, whether  
956 probable cause exists to believe that a violation has occurred.

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

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

971 (e)1. Records relating to an audit conducted pursuant to

972 | this section or an investigation conducted pursuant to this  
973 | section or s. 112.32155 are confidential and exempt from s.  
974 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

978 |       3. The exemptions no longer apply if the lobbying firm  
979 | requests in writing that such investigation and associated  
980 | records and meetings be made public or the commission determines  
981 | there is probable cause that the audit reflects a violation of  
982 | the reporting laws.

983 |       (15) The commission shall adopt rules to administer this  
984 | section, which shall prescribe forms for registration and  
985 | compensation reports, procedures for registration, and  
986 | procedures that will prevent disclosure of information that is  
987 | confidential as provided in this section.

988 |       Section 15. Except as otherwise expressly provided in this  
989 | act and except for this section, which shall take effect upon  
990 | this act becoming a law, this act shall take effect July 1,  
991 | 2018.