



Journal of the Senate

Number 1—Special Session A

Tuesday, November 20, 1990

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

CALL TO ORDER

The Senate was called to order by the President at 3:15 p.m. A quorum present—40:

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Excused: Senator Meek at 5:00 p.m.

By direction of the President, the following proclamation was read by the Secretary:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Gwen Margolis, President of the Florida Senate, and T. K. Wetherell, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida at 2:00 P.M., on Tuesday the 20th day of November, 1990, for a period of 1 day, ending at 11:59 p.m., Tuesday, November 20, 1990.
2. That the Legislature is convened for the sole and exclusive purpose of consideration of legislation relating to:

Prohibition and reporting of gifts to public officers and employees.



Gwen Margolis
President, The Florida Senate
November 20, 1990



T. K. Wetherell
Speaker, The Florida House
of Representatives
November 20, 1990



Duly filed with and received by the Florida Department of State this 20th day of November, 1990 by:

Beverly B. Burnsed for the
Secretary of State

CONSIDERATION OF VETOED BILL (1990 REGULAR SESSION)

The Honorable Jim Smith
Secretary of State

July 3, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 1422, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to community redevelopment agencies; amending s. 163.340, F.S.; excluding juvenile welfare boards and certain health care and hospital districts from the requirements that they pay tax increments to redevelopment trust funds for use by community redevelopment agencies; providing an effective date.

The purpose of this measure is to exclude juvenile welfare boards and health care or hospital districts from the definition of "public body" under the Community Redevelopment Act. This exclusion will allow these entities to retain and use dollars that are now available to community redevelopment authorities.

One of the purposes of the Growth Management Act of 1985 is to discourage urban sprawl, encourage urban infill and revitalize downtown areas. Taking a portion of the funds from community redevelopment authorities is diametrically opposed these goals. The Florida League of Cities believes that the tax increment financing authorized under Chapter 163 is innovative and successful, and that it is virtually the only truly self-help financing tool available to urban communities. There is further concern among some communities that this legislation will have an impact on outstanding bonded indebtedness where these revenues have been pledged for repayment of the bonds. There is disagreement among counsel on whether or not this may occur in one or more communities.

Without further examination of these issues and the impact which this may have on the emerging growth management policies by the Legislature, I do not believe that this represents good public policy.

For these reasons, I am withholding my approval from Committee Substitute for Senate Bill 1422 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

On motion by Senator Myers, Rule 4.9 was waived and by unanimous consent CS for SB 1422 (1990 Regular Session) together with the Governor's objections thereto was taken up instanter.

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

CS for SB 1422 passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote on passage was:

Yeas—30

Madam President	Forman	Kurth	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Meeck	Weinstein
Casas	Gordon	Myers	Weinstock
Childers	Grizzle	Plummer	Wexler
Dantzler	Jenne	Scott	Yancey
Davis	Jennings	Souto	
Diaz-Balart	Johnson	Thomas	

Nays—9

Bankhead	Crotty	Kiser
Beard	Dudley	Langley
Crenshaw	Grant	McKay

VETOED BILLS 1990 REGULAR SESSION

The Honorable Jim Smith June 27, 1990
Secretary of State

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 562, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to growth management; amending s. 163.01, F.S.; authorizing certain entities to issue bonds pursuant to loan agreements with counties or municipalities; providing that such bonds are deemed to be issued for a public purpose; providing for the validation of such bonds; amending s. 163.3171, F.S.; providing that the state land planning agency may modify requirements for comprehensive plans for certain counties and municipalities; providing an effective date.

The purpose of this legislation is to effectively exempt small cities and small non-coastal counties from many of the requirements of Florida's Growth Management Act. Although the modification concept is a good one, the provisions of this bill go too far, and the fact that statutory safeguards ensuring that all communities meet certain key requirements of the law are excluded from the bill renders it fundamentally flawed. Allowing Senate Bill 562 to become law under these circumstances could result in a weakening in the Growth Management Act. I cannot permit this to occur.

For these reasons, I am withholding my approval of Senate Bill 562 and hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith June 25, 1990
Secretary of State

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 784, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to specialized state educational institutions; creating s. 242.64, F.S.; providing for an annual appropriation to Southeastern University of Health Sciences; providing requirements for receipt of funds; providing for payment and expenditure of funds; repealing s. 240.519, F.S., relating to establishment of a school of optometry; providing an effective date.

This bill creates a new requirement for annual funding for Southeastern University of Health Services, a private institution, unlike the established processes tied to funding for on-going review and evaluation of programs within the State University System. Funding under this legislation is not contingent on evaluation of on-going need for the programs, nor is there a mechanism for accountability of the expenditure of state tax dollars.

The stated level of funding in the legislation authorizes a rate of up to 125% of the Southern Regional Education Board contract rate. Thus, the cost to the State to provide the programs at this private institution within the State may exceed the cost of participating in the established Southern Regional Education Board contract programs. The benefit and justification for costs that may exceed the contract programs have not been established. For these reasons, I do hereby withhold my approval of Senate Bill 784 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

July 2, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 870, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to elections; amending s. 100.371, F.S.; requiring that signatures on initiative petitions be witnessed; revising the time period for which such signatures are valid; requiring the sponsor to certify that no per-signature fee was paid; providing a grandfather clause; providing for severability; providing an effective date.

Committee Substitute for Senate Bill 870 adds substantial burdens to the procedure for certification of citizens' initiatives for constitutional amendment. In 1972, the citizens of this State elected to reserve to themselves the power to propose revision or amendment of their Constitution by initiative petition. The procedure set out in the Constitution, as adopted by the people, provides that a petition which contains the proposed revision, signed by a designated number of electors, (a number that equals 8 percent of the votes cast in one-half of the Congressional districts in the last preceding presidential election), filed with the Secretary of State will invoke the process.

The Florida Legislature has heretofore enacted legislation imposing reasonable clarifying guidelines to be applied in implementing the power to propose a constitutional amendment by citizen initiative. For example, the signatures must be dated and are valid for a period of four years; the sponsor must register as a political committee with the Division of Elections; the amendment's sponsor shall submit the petition forms to the supervisors of elections for signature verification; and procedures are set out for establishing ballot position upon certification by the Secretary of State. The amendments to s. 100.371, F.S., proposed by this bill so stringently limit access to certification of a citizens initiative that it must be viewed as an effort to quash or severely limit the ability of the people to revise their constitution, in contradiction to the spirit expressed by this reservation of power.

Committee Substitute for Senate Bill 870 would add to the current procedures by requiring that each signature be witnessed by an adult person not employed by a proponent of the amendment or employed for the purpose of obtaining signatures for the amendment. The sponsor of the amendment would be required to submit an affidavit as to each signature that no "per-signature" fee was paid to any person for obtaining the signature. Finally, the bill reduces the period of validity of the signatures from four years to thirty months.

Currently, many petition forms are printed in newspapers, magazines, and trade or special interest publications, often not at the request or with the knowledge of the sponsor, but on the initiative of the publisher. Many are gathered at civic and religious meetings and mailed en masse to the sponsor. There is no conceivable manner in which the sponsor could, in good faith, certify whether a fee was paid on its behalf. And, there is no inherent or realistic reason why payment of a per-signature fee, or employment by the sponsor of a person who witnesses the signature is contrary to the public policy.

It has not escaped my attention that in 1988 the United States Supreme Court held that the type of speech impinged upon by restrictions imposed on the initiative petition process must be characterized as "core political speech" and, as such, the restrictions will be subject to exacting scrutiny under the First Amendment. *Meyer v. Grant*, 108 S.Ct. 1886 (1988). While the restrictions (enacted by the State of Colorado), which were the subject of the *Meyer* case were somewhat different than those proposed here by the Florida Legislature, many similarities exist. It is clear that the same standard of review would apply; and it is doubtful that the law would stand under the exacting scrutiny which would be applied.

Since 1980, forty-four political committees circulated petitions for amendment by initiative. Of these, only four were ultimately placed on the ballot; two being adopted and two being acted upon unfavorably by the electors. I have no knowledge of reports of corruption or questionable practices that would give rise to a need for the imposition of more stringent controls on this process. Certainly the current procedure is not a simple one to fulfill as it stands. The measures proposed by Committee Substitute for Senate Bill 870 would only operate to impede this important power reserved by the people for the people of the State of Florida.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

June 14, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Committee Substitute for Senate Bill 1578, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to the "Local Option Tourist Development Act"; amending s. 125.0104, F.S.; allowing certain charter counties to levy by ordinance a tax on the sale of food, beverages, or alcoholic beverages in hotels, motels, or other specified establishments; prescribing requirements for such levy; providing for the collection of the tax and the uses of the tax proceeds; providing for rulemaking; requiring certain records to be kept and made available to the public; providing penalties; providing an effective date.

I have objections to the additional taxes authorized by this legislation on the sale of food, beverages and alcoholic beverages. The means of implementing this tax is inconsistent with the policies that I have advocated for such measures, particularly with regard to the vote required to implement the tax, being a majority-plus-one vote of the county commission. For these reasons, and because there is not sufficient assurance that the public's wishes will be followed during the debate over the implementation of this tax, I am withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 1578, enacted during the Regular Session of the Legislature, which commenced on April 3, 1990, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

June 25, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 1836, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to Hillsborough County; amending ss. 2(6), 6, ch. 80-510, Laws of Florida, relating to the Hillsborough County Hospital Authority; exempting certain records, meetings, and activities of the authority from s. 286.011, F.S., relating to public meetings and records, and from s. 119.07(1), F.S., relating to inspection of public records; providing for termination of these exemptions if certain events occur;

authorizing the governing board of the hospital authority to enter into contracts for the purpose of attracting new or additional business for the authority; providing an effective date.

The purpose of this measure is to provide that certain records, meetings and activities of the Hillsborough County Hospital Authority be exempt from the provisions of Florida's public records law and from the provisions of the State's public meetings requirements. To grant special exemptions for this local authority to the important state policies expressed in Chapter 119, F.S., and Chapter 286, F.S., is unacceptable. For these reasons, I am withholding my approval from Senate Bill 1836 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

July 2, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 2142, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to crime prevention; creating ch. 874, F.S., the "Street Terrorism Enforcement and Prevention Act of 1990"; creating s. 874.01, F.S.; providing a short title; creating s. 874.02, F.S.; providing legislative findings and intent; creating s. 874.03, F.S.; providing definitions; creating s. 874.04, F.S.; providing reclassified penalties for youth and street gang activity; creating s. 874.06, F.S.; providing a civil cause of action, including treble damages and attorney's fees; creating s. 874.08, F.S.; providing for seizure and forfeiture of profits, proceeds, and instrumentalities of youth and street gangs; creating s. 874.09, F.S.; requiring crime data information reporting; amending s. 893.138, F.S.; including a violation of s. 796.07, F.S., relating to lewdness, assignation, and prostitution in a provision of law permitting local administrative action to abate a public nuisance; providing nuisance remedies with respect to buildings or places used for youth and street gang activity; providing that orders issued by local administrative boards may be enforced pursuant to certain procedures in the Administrative Procedure Act; providing that such boards may seek temporary and permanent injunctive relief; providing for further review and repeal; providing an effective date.

This measure contains provisions substantially similar to those found in House Bill 2397 which was signed into law by me on June 26, 1990. The measure which I had previously approved is a comprehensive measure containing tougher provisions to deal with street and youth gangs and "street terrorism" than are contained in this bill.

Committee Substitute for Senate Bill 2142 is not as comprehensive and its provisions would be more difficult to implement. Because there are provisions in this measure that conflict with House Bill 2397, which may impair its effectiveness and its implementation, I am withholding my approval from Committee Substitute for Senate Bill 2142 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

June 21, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 2684, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to fuel tax; amending s. 336.021, F.S.; providing for statewide levy of voted gas tax; providing for delayed effective dates; amending s. 336.025, F.S.; providing for additional uses of the local

option gas tax for county transportation systems; providing for statewide levy of said tax; providing for delayed effective dates; amending ss. 207.003, 207.005, and 207.026, F.S.; including said additional taxes in the rate of the tax on the privilege of operating a commercial motor vehicle; providing effective dates.

This measure, known as the "gas tax equalization bill", effectively strips local governments in Florida of their discretion to implement the local option gas tax and uniformly applies all of the tax, previously optional, throughout the State even in those areas where the governing body of the county and the local residents have chosen not to do so for themselves. The monies raised from these taxes are for local governments to spend, yet local government is denied the opportunity to determine whether or not the taxes are needed.

I have repeatedly stated my opposition to a mandatory statewide gas tax, and to measures which impose the gas tax without the appropriate local hearings and without appropriate local planning.

This will be the second measure passed during the 22nd Regular Session of the Legislature since the Constitution of 1968 which I have vetoed for this same basic deficiency.

For these reasons, I do hereby withhold my approval of Committee Substitute for Senate Bill 2684 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The Honorable Jim Smith
Secretary of State

July 2, 1990

Dear Secretary Smith:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 2890, enacted by the 22nd Regular Session of the Legislature since the Constitution of 1968, during the Regular Session of 1990, and entitled:

An act relating to building permits; amending s. 553.79, F.S.; requiring owner's authorization to apply for a building permit if the applicant is not the owner; providing an effective date.

This measure provides for certain limitations on the issuance of building permits for the construction on shopping center property and in turn the subsequent lien rights which are incident to such construction. The provisions of this measure treat lien rights and the issuance of building permits different for this single purpose than all other types of construction.

After more than a year's work and evaluation, the 1990 Legislature passed a comprehensive revision to the Construction Lien Law in Committee Substitute for Senate Bill 1330 which I signed into law June 18, 1990. This bill would partially undo the reforms contained in this earlier legislation. For these reasons, I am withholding my approval from Senate Bill 2890, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Thomas, by unanimous consent—

By Senator Margolis—

SR 4-A—A resolution commending and congratulating Jackie Sharkey upon her retirement from the Office of the Sergeant at Arms.

WHEREAS, Jackie Sharkey has been a valued state employee for many years, and

WHEREAS, Jackie has rendered exemplary service to the Florida Legislature in the Office of the Senate Sergeant at Arms for the last 21 years, and

WHEREAS, many times, Jackie has volunteered her services to offer the prayer during a Senate Session, and

WHEREAS, throughout her years with the Senate, Jackie has gained a reputation for graciousness and good will and has been nicknamed "Magnolia" because she is such a genteel southern lady, and

WHEREAS, Jackie has saved the Department of General Services many dollars with her early morning gardening, the results of which she generously shares with the Senate through her flower arrangements in the Senate chamber and the office, and

WHEREAS, Jackie is retiring December 7, 1990, and

WHEREAS, we will sorely miss her smiling face, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Jackie Sharkey is commended for her many years of service to the Senate, and that the Senate congratulates her upon her imminent retirement.

BE IT FURTHER RESOLVED that a copy of this resolution, affixed with the Seal of the Senate, be presented to Jackie as a tangible token of the affection and regards of this body.

—was introduced out of order and read by title. On motion by Senator Thomas, **SR 4-A** was read the second time in full and adopted.

On motion by Senator Thurman, by unanimous consent—

By Senators Thurman, Kirkpatrick, Souto, Dantzer, Bruner, Kurth, Yancey, Plummer and Thomas—

SR 6-A—A resolution recognizing November 16-22, 1990, as "Farm City Week."

WHEREAS, since 1955, the National Farm-City Council, coordinated by the Kiwanis International has fostered understanding and cooperation between rural and urban citizens, and

WHEREAS, the development of an understanding of the interaction between farmers and urban consumers is important for the economy and the environment, and

WHEREAS, due to enormous population growth, it is especially important for the rural and urban communities of this state to develop harmonious relationships to address land use issues and needs for agricultural products, and

WHEREAS, the Senate recognizes that there is a need to increase public awareness of issues related to agricultural business and a need for activities that bring rural and urban communities together to address such issues, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate joins the National Farm-City Council in recognizing the week of November 16-22, 1990, ending on Thanksgiving Day, as "Farm City Week" and encourages both rural and urban citizens to participate in the celebration to learn more about the interdependence of rural and urban communities.

—was introduced out of order and read by title. On motion by Senator Thurman, **SR 6-A** was read the second time in full and adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed HB 31-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Kelly and others—

HB 31-A—A bill to be entitled An act relating to ethics in government; amending s. 11.045, F.S.; revising provisions relating to registration of lobbyists; providing for registration of lobbyists with each house of the Legislature; requiring each house to adopt certain rules; providing penalties; amending s. 112.312, F.S.; defining "gift" and "relative" for purposes of the code of ethics and constitutional financial disclosure; reenacting s. 112.313(4), F.S., relating to prohibition of unauthorized compensation;

amending s. 112.3135, F.S.; limiting applicability of a definition of "relative"; amending s. 112.3145, F.S.; expanding definition of "specified state employee"; deleting a provision relating to disclosure of gifts; amending s. 112.3146, F.S.; providing that certain statements are public records; amending s. 112.3147, F.S.; specifying forms to be used for certain disclosures; amending s. 112.3148, F.S.; providing definitions; prohibiting solicitation or acceptance of certain gifts and other items by persons required to file financial disclosure and certain other state employees; requiring reporting of certain other gifts; prohibiting the giving of certain gifts; requiring certain statements to recipients of gifts; requiring reports; providing for the valuation of gifts; providing penalties; providing for advisory opinions; creating s. 112.3149, F.S.; providing definitions; prohibiting persons required to file financial disclosure and certain other state employees from soliciting or accepting certain honoraria; prohibiting the giving of certain honoraria; requiring reporting of certain honoraria and related expenses; providing penalties; providing for advisory opinions; reenacting s. 112.317, F.S., relating to penalties; amending s. 112.3185, F.S.; specifying applicable definition of "relative"; amending ss. 20.171, 121.24, and 337.185, F.S.; deleting references to "honorarium"; amending ss. 189.412, 343.73, and 348.0003, F.S.; specifying applicability of provisions relating to gifts and honoraria; amending s. 106.07, F.S.; correcting a cross reference; requiring the Joint Legislative Management Committee to adopt a code of conduct for lobbyists; providing applicability; providing an effective date.

On motions by Senator Thomas, by unanimous consent **HB 31-A** was taken up instanter and by two-thirds vote read the second time by title.

Senators Crenshaw, Beard, Johnson, Langley, Grizzle, Bankhead and Crotty offered the following amendment which was moved by Senator Crenshaw:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) ~~"Joint legislative office" means a central office designated jointly by the President of the Senate and the Speaker of the House of Representatives. Said office shall be under the immediate responsibility of the Secretary of the Senate and the Clerk of the House of Representatives.~~

(b)(e) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) *Each house of the Legislature shall provide by rule that:*

(a) ~~Except as provided in paragraph (f), and All persons, except for members of the Florida Legislature, or duly authorized staff of the Legislature aides designated in writing by such members, all persons who seek to encourage the passage, defeat, or modification of any legislation in such house of the Legislature the Senate or the House of Representatives, or any committee thereof, shall, before engaging in such lobbying activity in Tallahassee, register with the respective house of the Legislature joint legislative office.~~

(b) Every person required to register as a lobbyist shall register on identical forms prepared by the respective houses joint legislative office and shall state under oath his name and, business address, the name and business address of each principal represented, and the general and specific areas of his legislative interest.

(c) Separate registration is required for each principal represented.

(d) ~~In addition,~~ Every registrant shall be required to state under oath the extent of any direct business association or partnership with any current member of the Legislature.

(e) All registrations shall be open to the public.

(f) Any person who merely appears before a member or committee of the House of Representatives or Senate in his individual capacity for the purpose of self-representation without compensation or reimbursement to express support of or opposition to any legislation, and who shall so declare to the legislator or legislative committee with whom he discusses any proposed legislation, shall not be required to register as a lobbyist and shall not be considered a lobbyist for any purpose.

(3) *Each house of the Legislature shall provide by rule:*

(a) ~~A procedure by which statements must be filed semiannually by all registered lobbyists, which statements must disclose all lobbying expenditures and the source of funds for such expenditures. A lobbyist shall semiannually submit to the joint legislative office a signed statement under oath listing all lobbying expenditures and sources from which funds for making such expenditures have come. The statement of session expenditures shall be filed by July 15 of each year and shall include expenditures for the period from January 1 through June 30. The statement of interim expenditures shall be filed by January 15 and shall include expenditures for the period from July 1 through December 31, including expenditures for any special sessions. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. The said statements shall be rendered in the identical form provided by the respective houses joint legislative office and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reporting period.~~

(b) *That lobbying expenditures may not include personal expenses for lodging, meals, and travel.*

(4) *Each house of the Legislature shall provide by rule a procedure by which a lobbyist, when in doubt about the applicability and interpretation of this section in a particular context, may shall submit in writing the facts for an advisory opinion to the committee of the respective house and may appear in person before the committee. The rule must provide a procedure by which:*

(a) The committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and ~~furnished to the joint legislative office and shall be~~ open to public inspection.

(5) ~~Each house of the Legislature The joint legislative office shall~~ keep all advisory opinions of the committees relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this section, all of which shall be open for public inspection.

(6) The committee of the respective house shall investigate any person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings must be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty of reprimand, censure, probation, or prohibition from lobbying for a period of time not exceeding 24 months ~~all or any part of the legislative biennium during which the violation occurred.~~ Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(7) *Any person required to be registered pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$5,000. Such penalty is in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6). Any person who swears falsely to any material fact in any registration statement or report taken under the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 2. Subsections (17), (18), and (19) of section 112.312, Florida Statutes, are renumbered as subsections (18), (19), and (20), respectively; and a new subsection (17) is added to that section, and subsection (9) of said section is amended, to read:

112.312 Definitions.—As used in this part and for purposes of full and public disclosure under the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf from a person other than a governmental entity or agency, or that which is paid or given by a person other than a governmental entity or agency to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given, including: ~~real property or tangible or intangible personal property, of material value to the recipient, which is transferred to a donee directly or in trust for his benefit or by any other means.~~

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, lodging, or parking.
8. Food or beverage, other than that consumed at a single sitting or event at which the donor is present.
9. Membership dues.
10. Entrance fee, admission fee, or ticket to an event, performance, or facility.
11. Plant, flower, or floral arrangement.
12. Service provided by a person pursuant to a professional license or certificate.
13. Any other personal service for which a fee is normally charged by the person providing the service.
14. Any other similar service or thing having an attributable value not already provided for in this paragraph.

(b) "Gift" does not include:

1. A contribution or expenditure reported pursuant to chapter 106, a campaign-related personal service provided without compensation by an individual volunteering his time, or any other contribution or expenditure by a political party.
2. Expenses that are paid to a person or his spouse and authorized pursuant to s. 112.3149.
3. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
4. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
5. Food or beverage consumed at a single sitting or event at which the donor is present.
6. Information provided by a lobbyist which explains his principal's position with respect to an issue that is, or could reasonably be, considered by the recipient's agency, as long as the format in which the information is presented is reasonably related to the information presented.
7. The recipient's salary or compensation or any payment of expenses that are related to the recipient's employment, occupation, or profession.
8. A bequest.

(c)(b) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(17) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father,

mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

Section 3. Subsection (1) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Division of Universities of the Department of Education;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.;

(b) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency.;

(c) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Section 4. Paragraph (b) of subsection (1) and subsection (3) of section 112.3145, Florida Statutes, as amended by section 1 of chapter 90-169, Laws of Florida, are amended to read:

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

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, or a hearing officer.
2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.
3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. *Any person employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions. The Auditor General, the Sergeant at Arms and Secretary of the Senate, the Sergeant at Arms and Clerk of the House of Representatives, the Executive Director of the Joint Legislative Management Committee, the Director of Statutory Revision, and the staff director of each committee of the Legislature.*

7. Each employee of the Commission on Ethics.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child.

~~(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling, child, or spouse of the person reporting or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts representing an expression of sympathy and having no material benefit; gifts required to be disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph, a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.~~

~~(d)(e) Every liability which in sum equals more than the reporting person's net worth.~~

Section 5. Section 112.3146, Florida Statutes, is amended to read:

112.3146 Public records.—The statements required by ss. 112.313, 112.3141, and 112.3145, *112.3148, and 112.3149* shall be public records within the meaning of s. 119.01.

Section 6. Subsection (1) of section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3141, *112.3143, and 112.3145(4), 112.3148, and 112.3149* and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

Section 7. Section 112.3148, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 112.3148, F.S., for present text.)

112.3148 Gifts to individuals filing full or limited public disclosure of financial interests and procurement employees; prohibition.—

(1) This section does not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section, the term:

(a) "Immediate family member" means a parent, spouse, child, or sibling.

(b) "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency. With respect to an agency that has established, pursuant to rule, ordinance, or law, a registration or other designation process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by the agency or an employee or official of the agency, the term "lobbyist" includes only a person who is registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law.

(c) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(d) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his financial interests.

(3) A reporting individual or procurement employee may not solicit any gift, food, or beverage from a political committee or committee of continuous existence, as defined in s. 106.011, from a labor organization, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, if such gift, food, or beverage is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4)(a) Except as provided in paragraph (b), a reporting individual or procurement employee or any other person on his behalf may not knowingly accept, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, from a labor organization, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly from or on behalf of the partner, firm, employer, or principal of a lobbyist; however, such person may accept a gift on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift may not retain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(b) A reporting individual or procurement employee or another person on his behalf may accept a gift from a political committee or committee of continuous existence, as defined in s. 106.011; from a labor organization; or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly from or on behalf of the partner, firm, employer, or principal of a lobbyist if:

1. The gift is of travel or per diem expenses that would be incurred in the absence of the gift and for which the recipient would be reimbursed pursuant to s. 112.061; or

2. The gift is of goods, services, or real or personal property, or the use of goods, services, or real or personal property, which relates to the recipient's public office or duties and for which goods, services, or real or personal property, or the use of goods, services, or real or personal property, the recipient's agency would otherwise have to expend public funds in the absence of the gift.

A person who makes a gift pursuant to this paragraph must file with the Department of State by March 1 a statement disclosing all such gifts made during the previous calendar year.

(5) A political committee or a committee of continuous existence, as defined in s. 106.011; a labor organization; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist may not give, directly or indirectly, a gift, other than a gift the receipt of which is authorized pursuant to paragraph (4)(b), to the reporting individual or procurement employee or any other person on his behalf; however, such person may give a gift to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(6) A person who violates the provisions of subsection (5) is guilty of a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the gift was given in violation of subsection (5) for a period of not more than 24 months.

(7) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 8. Section 112.3149, Florida Statutes, is created to read:

112.3149 Solicitation of payments; disclosure of event-related expenses.—

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

(a) "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency. With respect to an agency that has established, pursuant to rule, ordinance, or law, a registration or other designation process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law.

(b) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(c) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file a full or limited public disclosure of his financial interests.

(2) A reporting individual or procurement employee may not solicit a payment of money or anything of value, directly or indirectly, to himself, or to any other person on his behalf, as consideration for:

(a) A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media; or

(b) A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published

that is related to the reporting individual's or procurement employee's public office or duties.

(3) A reporting individual or procurement employee may not knowingly accept from a political committee or committee of continuous exist-

ence, as defined in s. 106.011, from a labor organization, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist a payment of money or anything of value, directly or indirectly, to himself, or to any other person on his behalf, as consideration for:

(a) A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media; or

(b) A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published

that is related to the reporting individual's or procurement employee's public office or duties.

(4) A political committee or committee of continuous existence, as defined in s. 106.011, a labor organization, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist may not pay money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his behalf, as consideration for:

(a) A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media; or

(b) A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published

that is related to the reporting individual's or procurement employee's public office or duties.

(5) A person who is prohibited by subsection (4) from paying money or anything of value to a reporting individual or procurement employee may provide a reporting individual or procurement employee, or a reporting individual or procurement employee and his spouse, with expenses related to an event that is related to the reporting individual's or procurement employee's public office or duties and shall file with the Department of State, no later than 60 days after the event, a statement listing the name of the person whose expenses were paid, the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the event.

(6) A person who violates subsection (4) is guilty of a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the payments were made in violation of subsection (4) for a period of not more than 24 months.

(7) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 9. Section 112.317, Florida Statutes, is reenacted to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, in addition to any criminal penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.
7. Restitution of any pecuniary benefits received because of the violation committed.
8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of s. 112.3145:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$5,000.

(2) In any case in which the commission finds a violation of this part and recommends a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its president or by a majority of its membership.

(6) Any person who willfully discloses, or permits to be disclosed, his intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee and in which such complaint is found to be frivolous and without basis in law or fact, the complainant shall be liable for costs plus reasonable attorney's fees incurred by the person complained against. If the complainant fails to

pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

Section 10. Subsection (6) of section 112.3185, Florida Statutes, as amended by section 2 of chapter 90-268, Laws of Florida, is amended to read:

112.3185 Contractual services.—

(6) No agency employee acting in his official capacity shall directly or indirectly procure contractual services for his own agency from any business entity of which a relative, as defined in s. 116.111(1)(e), is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest.

Section 11. Subsection (2) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is hereby created and shall have the following special duties:

(2) Within an appropriate timeframe, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the Department of General Services, the Division of Retirement of the Department of Administration, the Division of Ad Valorem Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.3148, 112.3149, 112.63, 200.068, 218.32, 218.34, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

Section 12. Subsection (6) of section 343.73, Florida Statutes, as created by section 86 of chapter 90-136, Laws of Florida, is amended to read:

343.73 Tampa Bay Commuter Rail Authority.—

(6) Members of the authority shall be required to comply with the applicable financial disclosure requirements of ss. s. 112.3145, 112.3148, and 112.3149.

Section 13. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, as created by section 24 of chapter 90-136, Laws of Florida, is amended to read:

348.0003 Expressway authority; formation; membership.—

(4)

(c) Members of an authority shall be required to comply with the applicable financial disclosure requirements of ss. s. 112.3145, 112.3148, and 112.3149.

Section 14. Paragraph (a) of subsection (4) of section 106.07, Florida Statutes, as amended by section 31 of chapter 90-315 and section 2 of chapter 90-338, Laws of Florida, is amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312 ~~112.3135(1)(e)~~, provided that the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

Section 15. The Joint Legislative Management Committee shall recommend to the Legislature, not later than September 1, 1991, a code of conduct regulating the conduct of lobbyists before the Senate, the House of Representatives, the committees of either house, joint legislative committees, joint legislative offices, and other legislative offices. The committee shall hold at least four public hearings. All legislative offices and personnel shall provide necessary assistance, as requested by the committee.

Section 16. This act applies to all gifts and event-related expenses received or paid on or after January 1, 1991, unless received pursuant to an agreement entered into prior to that date, in which event the law in effect at the time the agreement was entered into applies. Any report that is required with respect to a contribution given before January 1, 1991, must be made according to the requirements applicable thereto.

Section 17. This act takes effect January 1, 1991, or upon becoming a law, whichever occurs later.

Senator Bruner moved the following amendment to **Amendment 1**:

Amendment 1A—On page 14, between lines 26 and 27, insert:

(4) A member of the Legislature may not knowingly accept, directly or indirectly a gift.

(Renumber subsequent subsections.)

Senator Bankhead moved the following substitute amendment which failed:

Amendment 1B—On page 16, between lines 26 and 27, insert:

(8)(a) Each reporting individual or procurement employee shall file a statement with the Secretary of State on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he believes to be in excess of \$100 in value, if any, accepted by him, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift; the monetary value of the gift; the name and address of the person making the gift; and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he is not required to file a statement under this subsection for that calendar quarter.

Amendment 1A was withdrawn.

Senators Bankhead, Langley and McKay offered the following amendment to **Amendment 1** which was moved by Senator Bankhead and failed:

Amendment 1C—On page 7, line 20, strike lines 20-22, and insert: *salary, benefits, services, fees, considerations, commissions, or expenses associated with the recipients' employment*

The question recurred on **Amendment 1** which failed.

Senator Gordon moved the following amendment which failed:

Amendment 2—On page 5, line 20, following the word "disclose" insert: *their total compensation by source, and*

Senator Jenne moved the following amendment which failed:

Amendment 3—On page 21, line 1, after the word "donor" insert: *; however, in the absence of a cost to the donor, the fair market value shall be used*

Senators Dudley and Langley offered the following amendment which was moved by Senator Dudley and failed:

Amendment 4—On page 22, line 9, strike "occurrence" and insert: *reporting period*

Senator Thurman moved the following amendment which failed:

Amendment 5—On page 18, lines 6, 21, 23 and 31; on page 19, lines 9 and 24; on page 20, line 8; and on page 22, line 14, strike the word "\$100" and insert: *\$25*

On motion by Senator Brown, by two-thirds vote **HB 31-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

REMARKS

At the direction of the President, the following remarks were published in the Journal:

Senator Thomas: Madam President, may I speak on a point of personal privilege for just a moment.

Senators, last year we passed a bill which was introduced by Senator Childers and myself relating to boundary lines in Santa Rosa County. The Governor vetoed the bill and it came back before this body before we adjourned the regular session. I asked that the bill be placed back before the Senate so that I could attempt to override the Governor's veto.

After much discussion and debate—all of which was published in the Senate Journal—everyone agreed to revisit the issue in November, that's this November, now.

I spoke with the President and Rules Chairman at that time to be sure that the vetoed bill would be available. They assured me it would be. But when I tried to get the vetoed bill back before this body today, I was told

by the chief legal counsel that the bill had been returned to the Secretary of State and was now in the dead bill file, and, therefore, not available to be reconsidered at this session.

I apologize to my colleagues and to the people of Santa Rosa County who have come here today expecting an override of the veto. And I am presenting to the Secretary of the Senate at this time, a local bill to be filed today for consideration at our next session, which will hopefully correct this boundary question and the many problems constituted by it in Santa Rosa County. I thank you for your time.

ADJOURNMENT

On motion by Senator Thomas, the Senate adjourned sine die at 5:32 p.m.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 11, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Special Session, convened at 3:15 p.m. on the 20th day of November, 1990, and adjourned at 5:32 p.m. on the 20th day of November, 1990.

JOE BROWN
Secretary of the Senate

Tallahassee, Florida
November 22, 1990