

Tab 1	SM 226 by Wright ; (Identical to H 01145) Florida National Guard
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Tab 2	SB 7014 by EE ; (Identical to H 01597) Ethics
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Mayfield, Chair
Senator Perry, Vice Chair

MEETING DATE: Wednesday, January 10, 2024
TIME: 1:00—2:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Mayfield, Chair; Senator Perry, Vice Chair; Senators Baxley, Book, Boyd, Brodeur, Broxson, Burgess, Burton, DiCeglie, Garcia, Hooper, Hutson, Jones, Osgood, Rodriguez, Rouson, Simon, Torres, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SM 226 Wright (Identical HM 1145)	Florida National Guard; Urging Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure, etc. MS 12/06/2023 Favorable RC 01/10/2024 Favorable	Favorable Yeas 19 Nays 0
2	SB 7014 Ethics and Elections (Identical H 1597)	Ethics; Increasing the maximum fine for violations of specified lobbying provisions; prohibiting a member of the Commission on Ethics from serving more than two full terms, instead of two full terms in succession; requiring the commission to submit a copy of a certain referral to an alleged violator within a specified timeframe; authorizing an investigation that must be completed within a specified timeframe if a specified number of commissioners determines further investigation is necessary, etc. RC 01/10/2024 Fav/CS	Fav/CS Yeas 18 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 226

INTRODUCER: Senator Wright

SUBJECT: Florida National Guard

DATE: January 9, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Brown</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SM 226 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the Secretary of Defense of the United States Department of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, Pub. L. 64-85 (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Nov. 8, 2023).

³ *Id.* Section 250.01(13), F.S.

⁴ Air Force, *Air National Guard*, available at <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104546/air-national-guard/> (last visited Nov. 8, 2023).

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard dates back to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ The adjutant general, responsible for training and operations of the National Guard, must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher.¹⁰ Ranked above adjutant general is the Governor, who serves as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

From January to November of 2023, Florida National Guard members have been mobilized to multiple overseas deployments and assigned to assist with:

- Hurricane Idalia response;
- Migration support; and
- State corrections support.¹²

Since September 11, 2001, Florida National Guard members have mobilized to respond to out-of-state and overseas operations at a rate of over 28,000 deployments.¹³

Demographics

The force structure of the Florida National Guard is comprised of more than 12,000 members¹⁴, while Florida is the third most-populous state¹⁵, estimated at more than 22 million residents.¹⁶ This force structure in proportion to the state population ranks Florida 53rd out of the 54 states

⁵ *Id.*

⁶ 10 U.S.C. s. 10503(1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Nov. 8, 2023).

⁸ Sections 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ *Id.*

¹¹ Section 250.06(1), F.S.

¹² Major General John D. Haas, Florida National Guard, Dep't of Military Affairs, PowerPoint, *Florida National Guard, Dep't of Military Affairs, Senate Committee on Military and Veteran Affairs, Space, and Domestic Security*, pp. 6-7 (Nov. 14, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹³ *Id.* at 5.

¹⁴ *Id.* at 4.

¹⁵ United States Census Bureau, *Quick Facts, Florida*, available at <https://www.census.gov/quickfacts/fact/dashboard/FL,US/PST045222> (last visited Nov. 15, 2023).

¹⁶ *Id.*

and territories of the United States that have a National Guard.¹⁷ Along with the state's low positioning of Florida National Guard members to current population, Florida is expected to increase in population by five million over the next 10 years.¹⁸ Moreover, Florida ranks as the 4th most disaster-prone state nationally.¹⁹

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the Secretary of the United States Department of Defense and the Chief of the National Guard Bureau.²⁰ In their request, Congress members asked for more equitable funding and resource allocation for the Florida National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the structure force, along with the state's unique vulnerability to continuing disasters.²¹ Specifically, Congressional members specified that if force structure were proportional, the Florida National Guard would have 21,000, rather than 12,000 Guard members.²²

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the Secretary of Defense for an increased allocation for the National Guard particular to these states.²³ In support, Congressional members cite that California, Texas, and Florida rank at the lowest level of structure force to population and at the top for highest percentage of largest counties in the United States, and that these states expect to receive a disproportionate future increase in migration.²⁴

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

The bill is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

¹⁷ Dep't of Military Affairs, *2023 Agency Legislative Bill Analysis (SM 226)*(on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²¹ *Id.*

²² *Id.*

²³ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the bill is a memorial, there is no mandated fiscal impact. However, should the state receive an increase in Florida National Guard members, the state may incur an indeterminate initial cost of activating additional Florida National Guard members based on training and equipment costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Wright

8-00491-24

2024226__

Senate Memorial

A memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

WHEREAS, the number of soldiers and airmen allocated to each state's National Guard, known as its "force structure," is determined by the United States National Guard Bureau in Washington, D.C., and

WHEREAS, with approximately 21 million residents, Florida is the third most populous state in the nation but has a force structure of just over 12,000 Guardsmen, and its ratio of one Guardsman for every 1,833 residents ranks 53rd among the 54 states and territories of the United States which have a National Guard component, and

WHEREAS, due to the unprecedented events of 2020 and 2021, including COVID-19 response in addition to natural disasters and overseas deployments, the Florida National Guard expended the same number of workdays in 18 months as it had expended during the previous 20 years, and

WHEREAS, the Florida National Guard continues to meet its mission goals; however, the shortage of these invaluable "citizen soldiers," combined with the state's growing population and increased need for National Guard activation and response, has resulted in the repeated deployment of the same soldiers, which ultimately leads to excessive stress and fatigue and negatively impacts recruitment, retention, and readiness, and

Page 1 of 2

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8-00491-24

2024226__

WHEREAS, the United States National Guard Bureau's report, "Impact of U.S. Population Trends on National Guard Force Structure," released to Congress in April of 2021, acknowledges the aforementioned concerns within Florida and other regions, stating, "...the National Guard may need to evaluate re-allocating mission sets to other geographic areas to keep pace with changing demographics across the country," NOW, THEREFORE,

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

That the Florida Legislature respectfully urges the United States Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

BE IT FURTHER RESOLVED that the Secretary of State dispatch copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Page 2 of 2

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The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: December 6, 2023

I respectfully request that **Senate Bill 226**, relating to Florida National Guard, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7014

INTRODUCER: Rules Committee and Ethics and Elections Committee

SUBJECT: Ethics

DATE: January 11, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
<u>Clery</u>	<u>Roberts</u>		EE Submitted as Comm. Bill/Fav
1. <u>Clery</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7014 creates timeframes for completion of investigations of alleged ethics violations conducted by the Commission on Ethics (commission) and relatedly:

- Creates a harmless error standard for failure to meet the deadlines; and
- Tolls the timeframes until resolution of any related criminal cases.

The bill also:

- Makes uniform for complaints and referrals the requirements for beginning an investigation;
- Conforms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws;
- Provides that terms of commission members are limited to two total, rather than two successive;
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint;
- Requires a vote of six commission members to reject or deviate from a recommendation of counsel to the commission;
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts; and
- Makes technical changes, clarifying terminology and removing obsolete language.

The bill takes effect October 1, 2024.

II. Present Situation:

Commission on Ethics

The Commission on Ethics was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.¹ The Florida Constitution and state law designate the commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.² Constitutional duties of the commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.³ In addition to constitutional duties, the commission in part:

- Renders advisory opinions to public officials;⁴
- Conducts investigations into potential violations of the Code of Ethics or Florida Constitution based on referrals from select government agencies;⁵
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;⁶
- Administers the executive branch lobbying registration and reporting Laws;⁷
- Maintains financial disclosure filings of constitutional officers and state officers and employees;⁸ and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.⁹

Current law prescribes requirements for commission members and specifies that a member may not serve more than two full terms in succession.¹⁰

Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)¹¹ establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”¹² The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct,

¹ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited January 10, 2024).

² Section 8(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

³ Section (8)(g), art. II, Fla. Const.

⁴ Section 112.322(3)(a), F.S.

⁵ Section 112.324(1)(b), F.S.

⁶ Section 112.322(2)(b), F.S.

⁷ Sections 112.3215, 112.32155, F.S.

⁸ Section 112.3144, F.S.

⁹ Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

¹⁰ Section 112.321(1), F.S.

¹¹ See Pt. III, Ch. 112, F.S.; *see also* Art. II, s. 8(h)1, Fla. Const.

¹² Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited January 10, 2024).

investigations and prosecutions of ethics complaints and referrals for alleged ethics violations, and the commission, among others.¹³

Procedures on Complaints and Violations

Current law requires the commission to investigate alleged violations of the Code of Ethics upon receipt of a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, or upon receipt of a written referral of a possible violation from the Governor, the Department of Law Enforcement, a State Attorney, or a United States Attorney.¹⁴ Within 5 days after receipt of a complaint by the commission or a determination by at least six members of the commission that the referral received is deemed sufficient, the commission must transmit a copy to the alleged violator.¹⁵

Upon determination of legal sufficiency of a complaint or referral, the commission must undertake a preliminary investigation.¹⁶ The commission begins the preliminary investigation with issuance of an order to investigate.¹⁷ After the commission's investigator completes his or her initial investigation, he or she writes an investigatory report¹⁸ and mails the report to the alleged violator and to an advocate in the Attorney General's office, who serves as counsel for the commission.¹⁹ The alleged violator is given 14 days from the mailing of the investigator's report to respond to the report.²⁰ Upon receipt of the investigatory report, the advocate must make a written probable cause recommendation to the commission.²¹ A copy of the advocate's recommendation must be furnished to the alleged violator, and the alleged violator has 7 days from the date of mailing of the advocate's recommendation to provide a written response for the commission's consideration.²²

The commission then schedules a probable cause hearing, which is held during an executive session of the commission.²³ The commission must send notice to the parties at least 14 days prior to the hearing.²⁴

If the commission does not find probable cause that the alleged violations were committed, the complaint is dismissed.²⁵ The commission may order additional investigation if it is deemed necessary.²⁶ If the commission finds probable cause, it then provides written notice to the alleged violator of the probable cause finding and of the scheduling of a public hearing.²⁷

¹³ See Pt. III, Ch. 112, F.S.

¹⁴ Section 112.324(1), F.S.

¹⁵ *Id.*

¹⁶ Section 112.324(3), F.S.

¹⁷ Rule 34-5.002(2), F.A.C.; r. 34-17.005(2), F.A.C.

¹⁸ Rule 34-5.004(7), F.A.C.; r. 34-17.008(6), F.A.C.

¹⁹ Rule 34-5.006(1)(3), F.A.C.; r. 34-17.010(1)(3), F.A.C.;

²⁰ Rule 34-5.006(2), F.A.C.; r. 34-17.010(2), F.A.C.

²¹ Rule 34-5.006(3), F.A.C.; r. 34-17.010(3), F.A.C.

²² *Id.*

²³ Rule 34-5.006(4), F.A.C.; r. 34-17.010(4), F.A.C.

²⁴ *Id.*

²⁵ Section 112.324(3), F.S.

²⁶ *Id.*

²⁷ *Id.*

The alleged violator may at any time during the subsequent proceedings negotiate a settlement with the commission via the advocate.²⁸ The alleged violator also has the option to dispute material facts and request a formal hearing or to request an informal hearing and present mitigating circumstances.²⁹

The commission may conduct a formal hearing itself or transfer the case to the Division of Administrative Hearings (DOAH) for formal hearing.³⁰ An informal hearing is always conducted by the commission.³¹ If the commission conducts a hearing, it subsequently issues a Final Order recommending a penalty.³² If an administrative law judge at the DOAH conducts a formal hearing, the judge issues a Recommended Order to the commission.³³ Jurisdiction may be relinquished back to the commission from the DOAH at the request of the commission or if a judge determines there are no disputed material facts.³⁴

The commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation alleged is a *de minimis* violation attributable to inadvertent or unintentional error.³⁵ The commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public would not be served by proceeding further, in which case the commission must issue a public report stating with particularity its reasons for dismissal.³⁶

Penalty Provisions

The general penalty provisions for violations of the Code of Ethics are located in s. 112.317, F.S., and prescribe, among other penalties, a maximum civil penalty of \$20,000 per violation.³⁷ During the 2023 legislative session, the Legislature increased that penalty to \$20,000 from \$10,000 at the request of the commission.³⁸

The law provides separate penalties for violations of the constitutional prohibition against lobbying by a public officer.³⁹ Among other penalties, the prescribed maximum civil penalty for a violation of that prohibition is \$10,000.⁴⁰

²⁸ *Id.*

²⁹ *Id.*

³⁰ Rule 34-5.010, F.A.C.; r. 34-17.013, F.A.C. See s. 120.569(2), F.S.; s. 120.57(1), F.S.

³¹ Rule 34-5.010, F.A.C.; r. 34-17.013, F.A.C.; See s. 120.569(1), F.S.; s. 120.57(2), F.S.

³² The commission is without jurisdiction to impose a penalty or enter into a stipulation or settlement which imposes penalty (s. 112.324(3), F.S.). Penalties must be imposed only by the appropriate disciplinary authority designated by s. 112.324, F.S.

³³ Rule 34-5.024(1), F.A.C.; r. 34-17.018(1); F.A.C.; See also s. 120.57(1)(k), F.S.; r. 28-106.216, F.A.C.

³⁴ Section 120.57(1)(i), F.S.

³⁵ Section 112.324(11), F.S. A *de minimis* violation is any violation that is unintentional and not material in nature.

³⁶ Section 112.324(12), F.S. In order for the commission to dismiss a complaint under this provision, it must find that the public interest would not be served by proceeding further and must issue a public report explaining its justification for dismissal. In contrast, to dismiss a violation for being *de minimis*, the commission must find that the violation was unintentional and not material in nature.

³⁷ Section 112.317(1)(a)6., F.S. The commission is without jurisdiction to impose any penalty, but may make recommendations for an appropriate penalty to the appropriate disciplinary authority charged with imposing penalties as designated under the procedures of s. 112.324(3), F.S.

³⁸ Section 7, ch. 2023-49.

³⁹ Section 112.3122, F.S.

⁴⁰ Section 12.3122(4)(b), F.S.

Redress for Defense against a Maliciously Filed Complaint

Current law entitles a public officer or employee who is the subject of a maliciously filed ethics complaint to seek from the complainant the costs and attorney fees related to the public officer or employee's defense against the complaint.⁴¹ The law does not include *candidates* for public office in the categories of persons who may seek such redress.⁴²

III. Effect of Proposed Changes:

CS/SB 7014 creates the following statutory timeframes for completion of investigations of alleged ethics violations conducted by the commission:

- Requires the commission to complete the preliminary investigation, which concludes with the probable cause determination, no later than 1 year after the beginning of the preliminary investigation.
- Requires the commission to begin a preliminary investigation within 30 days of the commission's receipt of a technically and legally sufficient referral or complaint.
- Creates a 60-day deadline from the date of the commission's receipt of an initial complaint for the complainant to file an amended complaint.
- Requires an investigatory report to be completed no later than 150 days after issuance of the order to investigate.
- Allows the commission, at any one commission meeting held during the preliminary investigation, to order a one-time extension for additional investigation up to 60 days; requires the commission to document the reasons for extension during that meeting; and requires the commission to transmit those documented reasons to the alleged violator and complainant within 5 days from the order of extension.
- Requires an investigatory report be transmitted to the alleged violator and counsel representing the commission no later than 5 days after completion of the report.
- Requires the counsel representing the commission to make a written probable cause recommendation to the commission no later than 15 days after receiving an investigatory report.
- Requires the commission to transmit the counsel's written recommendation to the alleged violator no later than 5 days after its completion.
- Requires the alleged violator be given 14 days to respond in writing after the mailing date of the counsel's written recommendation.
- Requires the commission, upon receipt of the counsel's written recommendation, to schedule the probable cause hearing for the next commission meeting, for which notice requirements can be met.
- Requires the commission to transmit a copy of the order finding probable cause to the complainant and the alleged violator no later than 5 days after the date of the probable cause determination.
- Requires the commission to conduct an informal hearing no later than 75 days after the date of the probable cause determination.
- If jurisdiction of a case is relinquished back from the DOAH without a Recommended Order, requires the commission to take up the case at its next meeting, for which notice

⁴¹ Section 112.317(7), F.S.

⁴² *Id.*

requirements can be met, and to complete final action on the case no later than the next subsequent commission meeting.

The bill specifies the following implementing provisions related to the new timeframes:

- A failure of the commission to comply with the new timeframes constitutes harmless error in any related disciplinary action unless a court finds that the fairness of the proceedings or the correctness of an action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.
- The timeframes are tolled pending resolution of a related criminal complaint.

The bill also:

- Makes uniform for complaints and referrals the requirements for beginning an investigation.
- Conforms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws.
- Provides that terms of commission members are limited to two total, rather than two successive.
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint.
- Requires a vote of six commission members to reject or deviate from a recommendation of counsel representing the commission.
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts.
- Makes technical changes, clarifying terminology and removing obsolete language.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The provisions of the bill will require implementation by the commission, including potential rulemaking, revision of internal policies and procedures, development of a case tracking process, reorganization of staff duties and responsibilities, and will potentially require the hiring of additional staff.

The timeframes for complaint resolution may reduce costs to investigate and prosecute ethics violations by preventing unnecessary delays, and potential revision of internal policies and procedures and reorganization of staff responsibilities may provide for opportunity to increase efficiency and eliminate unnecessary cost or delay.

Because the commission currently refers all cases for which a formal hearing is to be conducted to the DOAH, the bill's removal of the commission's authority to conduct formal hearings is not likely to increase the commission's DOAH costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3122, 112.321, 112.317, and 112.324.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Rules on January 10, 2024:**

- Makes uniform for complaints and referrals the requirements for beginning an investigation and the deadlines for completion of initial technical and legal sufficiency reviews;

- Extends the deadline for completing an initial investigatory report to 150 from 120 days;
- Provides the commission more flexibility in granting an extension for further investigation by authorizing the commission to grant an extension at any meeting during a preliminary investigation, instead of only at the probable cause hearing;
- Extends the deadline for completing final action in a case relinquished from the Division of Administrative Hearings back to the commission;
- Removes the provision making the timeframes retroactive to existing cases;
- Clarifies terminology; and
- Extends the effective date of the bill to October 1, 2024 instead of July 1, 2024.

B. Amendments:

None.



451260

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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	.	

The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 153 - 273

and insert:

state attorney, or a United States Attorney ~~which at least six~~
~~members of the commission determine is sufficient to indicate a~~
~~violation of this part or any other breach of the public trust.~~

Within 5 days after receipt of a complaint or referral by the
commission ~~or a determination by at least six members of the~~
~~commission that the referral received is deemed sufficient, a~~



451260

12 copy must ~~shall~~ be transmitted to the alleged violator.

13 (3)(a) A preliminary investigation must ~~shall~~ be undertaken
14 by the commission within 30 days after its receipt of each
15 technically and legally sufficient complaint or referral over
16 which the commission has jurisdiction to determine whether there
17 is probable cause to believe that a violation has occurred. A
18 complainant may submit an amended complaint up to 60 days after
19 the commission receives the initial complaint. The probable
20 cause determination is the conclusion of the preliminary
21 investigation. The commission shall complete the preliminary
22 investigation, including the probable cause determination, no
23 later than 1 year after the beginning of the preliminary
24 investigation.

25 (b) An investigatory report must be completed no later than
26 150 days after the beginning of the preliminary investigation.
27 If, at any one meeting of the commission held during a given
28 preliminary investigation, at least six members of the
29 commission determine that additional time is necessary to
30 adequately complete such investigation, the commission may
31 extend the timeframe to complete the preliminary investigation
32 by no more than 60 days. During such meeting, the commission
33 shall document its reasons for extending the investigation and
34 transmit a copy of such documentation to the alleged violator
35 and complainant no later than 5 days after the extension is
36 ordered. The investigatory report must be transmitted to the
37 alleged violator and to the counsel representing the commission
38 no later than 5 days after completion of the report. The counsel
39 representing the commission shall make a written recommendation
40 to the commission for the disposition of the complaint or



451260

41 referral no later than 15 days after he or she receives the
42 completed investigatory report. The commission shall transmit
43 the counsel's written recommendation to the alleged violator no
44 later than 5 days after its completion. The alleged violator has
45 14 days after the mailing date of the counsel's recommendation
46 to respond in writing to the recommendation.

47 (c) Upon receipt of the counsel's recommendation, the
48 commission shall schedule a probable cause hearing for the next
49 executive session of the commission for which notice
50 requirements can be met.

51 (d) If, upon completion of the preliminary investigation,
52 the commission finds no probable cause to believe that this part
53 has been violated, or that no any other breach of the public
54 trust has been committed, the commission must shall dismiss the
55 complaint or referral with the issuance of a public report to
56 the complainant and the alleged violator, stating with
57 particularity its reasons for dismissal. At that time, the
58 complaint or referral and all materials relating to the
59 complaint or referral shall become a matter of public record.

60 (e) If the commission finds from the preliminary
61 investigation probable cause to believe that this part has been
62 violated or that any other breach of the public trust has been
63 committed, it must transmit a copy of the order finding probable
64 cause to shall so notify the complainant and the alleged
65 violator in writing no later than 5 days after the date of the
66 probable cause determination. Such notification and all
67 documents made or received in the disposition of the complaint
68 or referral shall then become public records. Upon request
69 submitted to the commission in writing, any person who the



451260

70 commission finds probable cause to believe has violated any
71 provision of this part or has committed any other breach of the
72 public trust ~~is shall be~~ entitled to a public hearing and may
73 elect to have a formal administrative hearing conducted by an
74 administrative law judge in the Division of Administrative
75 Hearings. If the person does not elect to have a formal
76 administrative hearing by an administrative law judge, the
77 person is entitled to an informal hearing conducted before the
78 commission. Such person is shall be deemed to have waived the
79 right to a formal or an informal public hearing if the request
80 is not received within 14 days following the mailing date of the
81 probable cause notification required by this paragraph
82 ~~subsection~~. However, the commission may, on its own motion,
83 require a public hearing.

84 (f) If the commission conducts an informal hearing, it must
85 be held no later than 75 days after the date of the probable
86 cause determination.

87 (g) If the commission refers a case to the Division of
88 Administrative Hearings for a formal hearing and subsequently
89 requests that the case be relinquished back to the commission,
90 or if the administrative law judge assigned to the case
91 relinquishes jurisdiction back to the commission before a
92 recommended order is entered, the commission must schedule the
93 case for additional action at the next commission meeting for
94 which notice requirements can be met. At the next subsequent
95 commission meeting, the commission must complete final action on
96 such case.

97 (h) The commission, may conduct such further investigation
98 ~~as it deems necessary, and may enter into such stipulations and~~



451260

99 settlements as it finds to be just and in the best interest of
100 the state. The commission is without jurisdiction to, and no
101 respondent may voluntarily or involuntarily, enter into a
102 stipulation or settlement which imposes any penalty, including,
103 but not limited to, a sanction or admonition or any other
104 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed
105 only by the appropriate disciplinary authority as designated in
106 this section.

107 (i) At least six members of the commission must vote to
108 reject or deviate from a recommendation of the counsel
109 representing the commission.

110 (j) If a criminal complaint related to an investigation
111 pursuant to this section is filed, the timeframes in this
112 subsection are tolled until completion of the criminal
113 investigation or prosecution, excluding any appeals from such
114 prosecution, whichever occurs later.

115 (k) The failure of the commission to comply with the time
116 limits provided in this subsection constitutes harmless error in
117 any related disciplinary action unless a court finds that the
118 fairness of the proceedings or the correctness of an action may
119 have been impaired by a material error in procedure or a failure
120 to follow prescribed procedure.

121 Section 5. This act shall take effect October 1, 2024.

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete lines 12 - 74

126 and insert:

127 office; amending s. 112.324, F.S.; specifying that a



128 certain number of members of the commission are not
129 required to make a specified determination related to
130 written referrals submitted to the commission by
131 specified parties; requiring the commission to submit
132 a copy of a certain referral to an alleged violator
133 within a specified timeframe; requiring the commission
134 to undertake a preliminary investigation within a
135 specified timeframe after receipt of technically and
136 legally sufficient complaints or referrals and make a
137 certain determination; authorizing a complainant to
138 submit an amended complaint within a specified
139 timeframe; providing that the probable cause
140 determination concludes the preliminary investigation;
141 requiring the commission to complete a preliminary
142 investigation, including a probable cause
143 determination, within a specified timeframe; requiring
144 the commission to complete an investigatory report
145 within a specified timeframe; authorizing the
146 commission to extend, for a specified period, the
147 allowable timeframe to adequately complete a
148 preliminary investigation if a specified number of
149 members of the commission determine such extension is
150 necessary; requiring the commission to document the
151 reasons for extending such investigation and transmit
152 a copy of such documentation to the alleged violator
153 and complainant within a specified timeframe;
154 requiring the commission to transmit a copy of the
155 completed report to an alleged violator and to the
156 counsel representing the commission within a specified



157 timeframe; requiring such counsel to make a written
158 recommendation for disposition of a complaint or
159 referral within a specified timeframe after receiving
160 the investigatory report; requiring the commission to
161 transmit such recommendation to the alleged violator
162 within a specified timeframe; providing that the
163 alleged violator has a specified timeframe to respond
164 in writing to the counsel's recommendation; requiring
165 the commission, upon receipt of the counsel's
166 recommendation, to schedule a probable cause hearing
167 for the next executive session of the commission for
168 which notice requirements can be met; providing that,
169 under specified conditions, the commission may dismiss
170 complaints or referrals before completion of a
171 preliminary investigation; providing a timeframe
172 within which the commission must transmit a copy of
173 the order finding probable cause to the complainant
174 and the alleged violator after a finding of probable
175 cause; specifying that an alleged violator is entitled
176 to request a formal hearing before the Division of
177 Administrative Hearings or may select an informal
178 hearing with the commission; providing that persons
179 are deemed to waive their rights to a formal or an
180 informal hearing if the request is not received within
181 a specified timeframe; providing the timeframe within
182 which the commission must conduct an informal hearing;
183 requiring the commission to schedule a case that has
184 been relinquished from the Division of Administrative
185 Hearings for additional action at the next commission



451260

186 meeting for which notice requirements can be met;
187 requiring the commission to complete final action on
188 such case within a specified timeframe; requiring a
189 specified number of commissioners to vote to reject or
190 deviate from a recommendation made by the counsel
191 representing the commission; providing that specified
192 timeframes are tolled until the completion of a
193 related criminal investigation or prosecution,
194 excluding appeals, whichever occurs later; providing
195 that a harmless error standard applies to the
196 commission regarding specified timeframes; providing
197 an effective date.

By the Committee on Ethics and Elections

582-01858-24

20247014__

1 A bill to be entitled
 2 An act relating to ethics; amending s. 112.3122, F.S.;
 3 increasing the maximum fine for violations of
 4 specified lobbying provisions; amending s. 112.321,
 5 F.S.; prohibiting a member of the Commission on Ethics
 6 from serving more than two full terms, instead of two
 7 full terms in succession; making technical changes;
 8 deleting obsolete language; amending s. 112.317, F.S.;
 9 providing that a complainant is liable for costs plus
 10 reasonable attorney fees for filing a complaint with
 11 malicious intent against a candidate for public
 12 office; amending s. 112.324, F.S.; requiring the
 13 commission to submit a copy of a certain referral to
 14 an alleged violator within a specified timeframe;
 15 specifying that complaints and referrals must be
 16 technically, in addition to legally, sufficient for
 17 the commission to undertake a preliminary
 18 investigation and make a certain determination;
 19 authorizing a complainant to submit an amended
 20 complaint within a specified timeframe; providing that
 21 the probable cause determination concludes the
 22 preliminary investigation; requiring the commission to
 23 complete a preliminary investigation, including a
 24 probable cause determination, within a specified
 25 timeframe; requiring the commission to determine
 26 technical and legal sufficiency of complaints and
 27 referrals within specified timeframes and issue an
 28 order to investigate under a specified condition;
 29 requiring that the commission complete an

Page 1 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

582-01858-24

20247014__

30 investigatory report within a specified timeframe and
 31 provide a copy of the completed report to an alleged
 32 violator and counsel for the commission within a
 33 specified timeframe; requiring counsel for the
 34 commission to make a written recommendation for
 35 disposition of a complaint within a specified
 36 timeframe after receiving the investigatory report;
 37 requiring that the commission provide such
 38 recommendation to the violator within a specified
 39 timeframe; providing that the alleged violator has a
 40 specified timeframe to respond in writing to the
 41 counsel's recommendation; requiring the commission,
 42 upon receipt of the counsel's recommendation, to
 43 schedule a probable cause hearing for the next
 44 executive session of the commission if specified
 45 conditions are met; providing that, under specified
 46 conditions, the commission may dismiss complaints or
 47 referrals before completion of a preliminary
 48 investigation; providing a timeframe within which the
 49 commission must notify a complainant and an alleged
 50 violator after a finding of probable cause; specifying
 51 that an alleged violator is entitled to request a
 52 hearing before the Division of Administrative Hearings
 53 or may select an informal hearing with the commission;
 54 authorizing an investigation that must be completed
 55 within a specified timeframe if a specified number of
 56 commissioners determines further investigation is
 57 necessary; requiring the commission to document the
 58 reasons for ordering such investigation; providing the

Page 2 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

582-01858-24

20247014__

59 timeframe within which the commission must conduct an
 60 informal hearing; requiring the commission to schedule
 61 a case that has been relinquished from the Division of
 62 Administrative Hearings for additional action at the
 63 next commission meeting; requiring the commission to
 64 complete final action on such case within a specified
 65 timeframe; requiring a specified number of
 66 commissioners to vote to reject or deviate from a
 67 recommendation made by counsel; providing that
 68 specified timeframes are tolled until the completion
 69 of a related criminal investigation or prosecution,
 70 excluding appeals, whichever occurs later; providing
 71 that a harmless error standard applies to the
 72 commission regarding specified timeframes; providing
 73 that specified timeframes apply retroactively and
 74 prospectively; providing an effective date.

75
 76 Be It Enacted by the Legislature of the State of Florida:

77
 78 Section 1. Paragraph (b) of subsection (4) of section
 79 112.3122, Florida Statutes, is amended to read:

80 112.3122 Enforcement and penalties for constitutional
 81 prohibition against lobbying by a public officer.—

82 (4) A violation of s. 8(f), Art. II of the State
 83 Constitution may be punished by one or more of the following:

84 (b) A civil penalty not to exceed \$20,000 ~~\$10,000~~.

85 Section 2. Subsection (1) of section 112.321, Florida
 86 Statutes, is amended to read:

87 112.321 Membership, terms; travel expenses; staff.—

582-01858-24

20247014__

88 (1) The commission shall be composed of nine members. Five
 89 of these members shall be appointed by the Governor, no more
 90 than three of whom shall be from the same political party,
 91 subject to confirmation by the Senate. One member appointed by
 92 the Governor shall be a former city or county official and may
 93 be a former member of a local planning or zoning board which has
 94 only advisory duties. Two members shall be appointed by the
 95 Speaker of the House of Representatives, and two members shall
 96 be appointed by the President of the Senate. Neither the Speaker
 97 of the House of Representatives nor the President of the Senate
 98 shall appoint more than one member from the same political
 99 party. Of the nine members of the Commission, no more than five
 100 members shall be from the same political party at any one time.
 101 A ~~No~~ member may not hold any public employment. An individual
 102 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215
 103 or pursuant to any local government charter or ordinance may not
 104 serve as a member of the commission, ~~except that this~~
 105 ~~prohibition does not apply to an individual who is a member of~~
 106 ~~the commission on July 1, 2006, until the expiration of his or~~
 107 ~~her current term.~~ A member of the commission may not lobby any
 108 state or local governmental entity as provided in s. 11.045 or
 109 s. 112.3215 or as provided by any local government charter or
 110 ordinance, ~~except that this prohibition does not apply to an~~
 111 ~~individual who is a member of the commission on July 1, 2006,~~
 112 ~~until the expiration of his or her current term.~~ All members
 113 shall serve 2-year terms. A member may not serve more than two
 114 full terms ~~in succession~~. Any member of the commission may be
 115 removed for cause by majority vote of the Governor, the
 116 President of the Senate, the Speaker of the House of

582-01858-24 20247014__

117 Representatives, and the Chief Justice of the Supreme Court.
 118 Section 3. Subsection (7) of section 112.317, Florida
 119 Statutes, is amended to read:
 120 112.317 Penalties.—
 121 (7) In any case in which the commission determines that a
 122 person has filed a complaint against a public officer or
 123 employee or a candidate for public office with a malicious
 124 intent to injure the reputation of such officer or employee or
 125 candidate by filing the complaint with knowledge that the
 126 complaint contains one or more false allegations or with
 127 reckless disregard for whether the complaint contains false
 128 allegations of fact material to a violation of this part, the
 129 complainant shall be liable for costs plus reasonable attorney
 130 fees incurred in the defense of the person complained against,
 131 including the costs and reasonable attorney fees incurred in
 132 proving entitlement to and the amount of costs and fees. If the
 133 complainant fails to pay such costs and fees voluntarily within
 134 30 days following such finding by the commission, the commission
 135 shall forward such information to the Department of Legal
 136 Affairs, which shall bring a civil action in a court of
 137 competent jurisdiction to recover the amount of such costs and
 138 fees awarded by the commission.
 139 Section 4. Subsections (1) and (3) of section 112.324,
 140 Florida Statutes, are amended to read:
 141 112.324 Procedures on complaints of violations and
 142 referrals; public records and meeting exemptions.—
 143 (1) The commission shall investigate an alleged violation
 144 of this part or other alleged breach of the public trust within
 145 the jurisdiction of the commission as provided in s. 8(f), Art.

582-01858-24 20247014__

146 II of the State Constitution:
 147 (a) Upon a written complaint executed on a form prescribed
 148 by the commission and signed under oath or affirmation by any
 149 person; or
 150 (b) Upon receipt of a written referral of a possible
 151 violation of this part or other possible breach of the public
 152 trust from the Governor, the Department of Law Enforcement, a
 153 state attorney, or a United States Attorney which at least six
 154 members of the commission determine is sufficient to indicate a
 155 violation of this part or any other breach of the public trust.
 156
 157 Within 5 days after receipt of a complaint or referral by the
 158 commission ~~or a determination by at least six members of the~~
 159 ~~commission that the referral received is deemed sufficient,~~ a
 160 copy must ~~shall~~ be transmitted to the alleged violator.
 161 (3) (a) A preliminary investigation must ~~shall~~ be undertaken
 162 by the commission of each technically and legally sufficient
 163 complaint or referral over which the commission has jurisdiction
 164 to determine whether there is probable cause to believe that a
 165 violation has occurred. A complainant may submit an amended
 166 complaint up to 60 days after the commission receives the
 167 initial complaint. The probable cause determination is the
 168 conclusion of the preliminary investigation. The commission
 169 shall complete the preliminary investigation, including the
 170 probable cause determination, no later than 1 year after the
 171 beginning of the preliminary investigation.
 172 (b) The commission shall make a determination as to whether
 173 a complaint is technically sufficient no later than 5 days after
 174 receiving the complaint. The commission shall make a

582-01858-24 20247014__

175 determination as to whether a complaint is legally sufficient no
 176 later than 21 days after receiving the complaint. The commission
 177 shall make a determination as to whether a referral is
 178 technically and legally sufficient at its next meeting.

179 (c) If the commission determines a complaint or referral is
 180 technically and legally sufficient, it must issue an order to
 181 investigate. An investigatory report must be completed no later
 182 than 120 days after the beginning of the preliminary
 183 investigation and must be provided to the alleged violator and
 184 to counsel for the commission no later than 5 days after
 185 completion of the report. The counsel for the commission shall
 186 make a written recommendation to the commission for the
 187 disposition of the complaint or referral no later than 15 days
 188 after he or she receives the completed investigatory report. The
 189 commission shall provide the counsel's written recommendation to
 190 the alleged violator no later than 5 days after its completion.
 191 The alleged violator has 14 days to respond in writing after the
 192 mailing date of the counsel's recommendation.

193 (d) Upon receipt of the counsel's recommendation, the
 194 commission must schedule a probable cause hearing for the next
 195 executive session of the commission if notice requirements can
 196 be met.

197 (e) If, upon completion of the preliminary investigation,
 198 the commission finds no probable cause to believe that this part
 199 has been violated, or that no any other breach of the public
 200 trust has been committed, the commission must ~~shall~~ dismiss the
 201 complaint or referral with the issuance of a public report to
 202 the complainant and the alleged violator, stating with
 203 particularity its reasons for dismissal. At that time, the

582-01858-24 20247014__

204 complaint or referral and all materials relating to the
 205 complaint or referral ~~shall~~ become a matter of public record.

206 (f) If the commission finds ~~from the preliminary~~
 207 investigation probable cause to believe that this part has been
 208 violated or that any other breach of the public trust has been
 209 committed, it must ~~shall so~~ notify the complainant and the
 210 alleged violator in writing no later than 5 days after the date
 211 of the probable cause determination. Such notification and all
 212 documents made or received in the disposition of the complaint
 213 or referral ~~shall then~~ become public records. Upon request
 214 submitted to the commission in writing, any person who the
 215 commission finds probable cause to believe has violated any
 216 provision of this part or has committed any other breach of the
 217 public trust is ~~shall be~~ entitled to a public hearing and may
 218 elect to have a formal administrative hearing conducted by an
 219 administrative law judge in the Division of Administrative
 220 Hearings. If the person does not elect to have a formal
 221 administrative hearing by an administrative law judge, the
 222 person is entitled to an informal hearing conducted before the
 223 commission. Such person is ~~shall be~~ deemed to have waived the
 224 right to a public hearing if the request is not received within
 225 14 days following the mailing date of the probable cause
 226 notification required by this paragraph subsection. However, the
 227 commission may, on its own motion, require a public hearing.

228 (g) At a probable cause hearing, if at least six members of
 229 the commission determine ~~may conduct such~~ further investigation
 230 is necessary, the investigation may be ordered, and such
 231 investigation may not exceed a period of 60 days ~~as it deems~~
 232 necessary. During the probable cause hearing, the commission

582-01858-24 20247014__

233 must document the reasons for ordering the additional
234 investigation.

235 (h) If the commission conducts an informal hearing, it must
236 do so no later than 75 days after the date of the probable cause
237 determination.

238 (i) If the commission refers a case to the Division of
239 Administrative Hearings for a formal hearing and subsequently
240 requests that the case be relinquished back to the commission,
241 or if the administrative law judge assigned to the case
242 relinquishes jurisdiction back to the commission before a
243 recommended order is entered, the commission must schedule the
244 case for additional action at the next commission meeting and
245 must complete final action on the case no later than 30 days
246 after the date of that commission meeting.

247 (j) The commission, ~~and~~ may enter into such stipulations
248 and settlements as it finds to be just and in the best interest
249 of the state. The commission is without jurisdiction to, and no
250 respondent may voluntarily or involuntarily, enter into a
251 stipulation or settlement which imposes any penalty, including,
252 but not limited to, a sanction or admonition or any other
253 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed
254 only by the appropriate disciplinary authority as designated in
255 this section.

256 (k) At least six members of the commission must vote to
257 reject or deviate from a recommendation of counsel to the
258 commission.

259 (l) If a criminal complaint related to an investigation
260 pursuant to this section is filed, the timeframes in this
261 subsection are tolled until completion of the criminal

582-01858-24 20247014__

262 investigation or prosecution, excluding any appeals from such
263 prosecution, whichever occurs later.

264 (m) The failure of the commission to comply with the time
265 limits provided in this subsection constitutes harmless error in
266 any related disciplinary action unless a court finds that the
267 fairness of the proceedings or the correctness of an action may
268 have been impaired by a material error in procedure or a failure
269 to follow prescribed procedure.

270 (n) The timeframes provided in this subsection apply to
271 complaints and referrals submitted to the commission before, on,
272 or after July 1, 2024.

273 Section 5. This act shall take effect July 1, 2024.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 2, 2024

I respectfully request that **Senate Bill #7014**, relating to Ethics, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

1/10/2024

Meeting Date

Rules

Committee

Name **Caroline Klancke**

Address **2241 N. Monroe St. #1441**

Street

Tallahassee

City

FL

State

32303

Zip

Phone **850-404-1113**

Email **info@floridaethics.org**

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 7014

Bill Number or Topic

H51260

Amendment Barcode (if applicable)

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Ethics Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/2024

Meeting Date

7014

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

451260

Amendment Barcode (if applicable)

Committee

Name Kerrie Stillman Phone 850-488-7864

Address 325 John Knox Road, Bldg. E, Suite 200 Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/2024

Meeting Date

7014

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

451260

Amendment Barcode (if applicable)

Committee

Name Ashley Lukis -Chair, FL Commission on Ethics Phone 850-488-7864

Address 325 John Knox Road, Bldg. E, Suite 200 Email ashley-lukis@gray-robinson.com

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

7014

1/10/2024

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Kerrie Stillman Phone 850-488-7864

Address 325 John Knox Road, Bldg. E, Suite 200 Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/2024

7014

Meeting Date

Bill Number or Topic

Rules

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Ashley Lukis -Chair, FL Commission on Ethics Phone 850-488-7864

Address 325 John Knox Road, Bldg. E, Suite 200 Email ashley-lukis@gray-robinson.com

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Banking and Insurance
Commerce and Tourism
Fiscal Policy
Rules
Transportation

JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining

SENATOR VICTOR M. TORRES, JR.

25th District

January 10, 2024

Debbie Mayfield, Chair
Rules Committee
404 S Monroe Street
Tallahassee

A handwritten signature in blue ink, appearing to read "Debbie Mayfield".

Please accept this letter of excusal from myself for the January 10th Rules Committee due to an illness. Please accept this letter as a formal request for excusal of this absence. Please let me know if you have any questions or need any additional information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr.".

Victor M. Torres, Jr.
Florida State Senator
District 25

REPLY TO:

- 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
- 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Rules Committee

Judge:

Started: 1/10/2024 1:01:34 PM

Ends: 1/10/2024 1:23:46 PM

Length: 00:22:13

1:01:33 PM Chair Mayfield calls meeting to order
1:01:43 PM Roll call
1:02:07 PM Quorum announced
1:02:20 PM Senator Torres is excused
1:02:25 PM Pledge of Allegiance
1:02:41 PM Chair with opening comments
1:02:54 PM Tab 1 SM 226 Florida National Guard
1:03:15 PM Senator Wright explains the memorial
1:04:13 PM Questions
1:04:41 PM Senator Wright waives close
1:04:45 PM Roll call
1:04:49 PM SM 226 is reported favorably
1:05:22 PM Tab 2 SB 7014 Ethics
1:05:31 PM Senator Burgess explains the bill
1:05:51 PM Amendment Barcode 451260
1:06:48 PM Senator Burgess explains the amendment
1:07:12 PM Questions
1:08:14 PM Appearance Forms
1:08:20 PM Caroline Klancke, Florida Ethics Institute, speaks
1:10:26 PM Kerrie Stillman, Florida Commission on Ethics, speaks
1:13:28 PM Ashley Lukis, Chair, Florida Commission on Ethics, speaks
1:20:53 PM Chair Mayfield
1:20:57 PM Ms. Lukis
1:21:01 PM Chair Mayfield
1:21:13 PM Amendment is adopted
1:21:19 PM Back on Bill
1:21:27 PM Appearance Forms
1:21:30 PM Kerrie Stillman speaks
1:21:55 PM Ashley Lukis
1:22:06 PM Senator Burgess closes on the bill
1:22:35 PM Roll call
1:22:39 PM CS/SB 7014 is reported favorably
1:23:29 PM Senator Hutson moves to adjourn
1:23:35 PM Meeting adjourned