

By the Committees on Governmental Operations, Rules &
Calendar and Representatives Arnall, Feeney, Lynn and Fasano

1 A bill to be entitled
2 An act relating to financial disclosure by
3 persons assuming or departing public positions;
4 amending s. 112.3144, F.S.; requiring former
5 officers and employees to file a final
6 disclosure of financial interests no later than
7 60 days following departure, with certain
8 exceptions; requiring certain notice be
9 provided to those required to file financial
10 disclosure; amending s. 112.3145, F.S.;
11 redefining the terms "local officer" and "state
12 officer" to include certain elected individuals
13 who have not officially assumed the
14 responsibilities of office; requiring former
15 officers and employees to file a final
16 statement of financial interests within 60 days
17 after leaving office or employment, with
18 certain exceptions; requiring certain notice be
19 provided to those required to file financial
20 disclosure; amending s. 112.3146, F.S.;
21 specifying that certain financial disclosure
22 statements are public records; amending s.
23 112.3147, F.S.; directing the Commission on
24 Ethics to prescribe forms for financial
25 disclosure statements; amending s. 112.3148,
26 F.S.; redefining the term "reporting
27 individual" with respect to the receipt of
28 gifts; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (1) and (3) of section
2 112.3144, Florida Statutes, are amended, and subsection (4) is
3 added to said section, to read:

4 112.3144 Full and public disclosure of financial
5 interests.--

6 (1) No person who is required, pursuant to s. 8, Art.
7 II of the State Constitution, to file a full and public
8 disclosure of financial interests and who has filed a full and
9 public disclosure of financial interests for any calendar or
10 fiscal year shall be required to file a statement of financial
11 interests pursuant to s. 112.3145(2) and (3) for the same year
12 or for any part thereof notwithstanding any requirement of
13 this part, except that a candidate for office shall file a
14 copy of his or her disclosure with the officer before whom he
15 or she qualifies, and except for the final filing required by
16 subsection (4).

17 (3) Forms for compliance with the full and public
18 disclosure requirements of s. 8, Art. II of the State
19 Constitution, and a current list of persons required to file
20 full and public disclosure by s. 8, Art. II of the State
21 Constitution, or other state law, shall be provided by the
22 Commission on Ethics to the Secretary of State, who shall give
23 notice of disclosure deadlines and delinquencies and
24 distribute forms in the following manner:

25 (a) Not later than May 1 of each year, the Commission
26 on Ethics shall prepare a current list of the names and
27 addresses of and the offices held by every person required to
28 file full and public disclosure annually by s. 8, Art. II of
29 the State Constitution, or other state law, and shall provide
30 the Secretary of State with the mailing list. In compiling the
31 list, the commission shall be assisted by each unit of

1 government in providing at the request of the commission the
2 name, address, and name of the office held by each public
3 official within the respective unit of government.

4 (b) Not later than 30 days before July 1 of each year,
5 the Secretary of State shall mail a copy of the form
6 prescribed for compliance with full and public disclosure and
7 a notice of the filing deadline to each person on the mailing
8 list.

9 (c) Not later than 30 days after July 1 of each year,
10 the Secretary of State shall determine which persons on the
11 mailing list have failed to file full and public disclosure
12 and shall send delinquency notices by certified mail to such
13 persons. Each notice shall state that a grace period is in
14 effect until September 1 of the current year and that, if the
15 statement is not filed by September 1 of the current year, the
16 Secretary of State is required by law to notify the Commission
17 on Ethics of the delinquency.

18 (d) Not later than 30 days following September 1 of
19 each year, the Secretary of State shall certify to the
20 Commission on Ethics a list of the names and addresses of and
21 the offices held by all persons on the mailing list who have
22 failed to timely file full and public disclosure. The
23 certification shall be on a form prescribed by the commission
24 and shall indicate whether the Secretary of State has provided
25 the disclosure forms and notice as required by this section to
26 all persons named on the delinquency list.

27 (e) Any person subject to the annual filing of full
28 and public disclosure under s. 8, Art. II of the State
29 Constitution, or other state law, whose name is not on the
30 mailing list provided to the Secretary of State shall not be
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1 deemed delinquent for failure to file full and public
2 disclosure in any year in which the omission occurred.

3 (f) The notification requirements of this subsection
4 do not apply to candidates or to the first filing required of
5 any person appointed to elective constitutional office. The
6 appointing official shall notify such newly appointed person
7 of the obligation to file full and public disclosure by July
8 1. The head of the agency of each person who is required to
9 file full and public disclosure shall notify that person,
10 within 30 days of leaving his or her public position, of the
11 obligation to file a final disclosure statement and may
12 designate a person to be responsible for the notification
13 requirements of this subsection. Also, each qualifying
14 officer shall notify each candidate qualifying for election to
15 office of the final disclosure requirements.

16 (g) The commission shall include a statement
17 substantially as follows on the form prescribed by it for full
18 and public disclosure of financial interests: "In addition to
19 the requirement that you file this disclosure no later than
20 July 1 of each year, you will be required to file a final
21 disclosure within 60 days after you leave the position for
22 which you are required to file this form, unless you are
23 subject to one of the following exemptions: (1) within the
24 60-day period you take another public position requiring
25 financial disclosure under s. 8, Art. II of the State
26 Constitution, or (2) you are otherwise required to file full
27 and public disclosure for the final disclosure period. You may
28 not necessarily receive additional notice of this
29 requirement." The commission shall also prepare a separate
30 explanation of the final disclosure requirements. Any person
31 required to give notice of the final disclosure requirements

1 may fulfill that obligation by providing a copy of the
2 explanation prepared by the commission.

3 (4) Each person required to file full and public
4 disclosure of financial interests shall file a final
5 disclosure statement within 60 days after leaving his or her
6 public position for the period between January 1 of the year
7 in which the person leaves office and the last day of office
8 or employment, unless within the 60-day period the person
9 takes another public position requiring financial disclosure
10 under s. 8, Art. II of the State Constitution, or otherwise is
11 required to file full and public disclosure for the final
12 disclosure period.

13 Section 2. Paragraphs (a) and (c) of subsection (1),
14 paragraph (b) of subsection (2), and subsections (6), (7), and
15 (8) of section 112.3145, Florida Statutes, are amended to
16 read:

17 112.3145 Disclosure of financial interests and clients
18 represented before agencies.--

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

21 (a) "Local officer" means:

22 1. Every person who is elected to office in any
23 political subdivision of the state, and every person who is
24 appointed to fill a vacancy for an unexpired term in such an
25 elective office, or any individual who has been elected to,
26 but has yet to officially assume the responsibilities of,
27 public office.

28 2. Any appointed member of a board; commission;
29 authority, including any expressway authority or
30 transportation authority established by general law; community
31 college district board of trustees; or council of any

1 political subdivision of the state, excluding any member of an
2 advisory body. A governmental body with land-planning, zoning,
3 or natural resources responsibilities shall not be considered
4 an advisory body.

5 3. Any person holding one or more of the following
6 positions: mayor; county or city manager; chief administrative
7 employee of a county, municipality, or other political
8 subdivision; county or municipal attorney; chief county or
9 municipal building inspector; county or municipal water
10 resources coordinator; county or municipal pollution control
11 director; county or municipal environmental control director;
12 county or municipal administrator, with power to grant or deny
13 a land development permit; chief of police; fire chief;
14 municipal clerk; district school superintendent; community
15 college president; district medical examiner; or purchasing
16 agent having the authority to make any purchase exceeding the
17 threshold amount provided for in s. 287.017 for CATEGORY ONE,
18 on behalf of any political subdivision of the state or any
19 entity thereof.

20 (c) "State officer" means:

21 1. Any elected public officer, excluding those elected
22 to the United States Senate and House of Representatives, not
23 covered elsewhere in this part and any person who is appointed
24 to fill a vacancy for an unexpired term in such an elective
25 office, or any individual who has been elected to, but has yet
26 to officially assume the responsibilities of, public office.

27 2. An appointed member of each board, commission,
28 authority, or council having statewide jurisdiction, excluding
29 a member of an advisory body.

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1 3. A member of the Board of Regents, the Chancellor
2 and Vice Chancellors of the State University System, and the
3 president of a state university.

4 (2)

5 (b) Each state or local officer and each specified
6 state employee shall file a statement of financial interests
7 no later than July 1 of each year. Each former state or local
8 officer or specified state employee shall file a final
9 financial disclosure statement within 60 days after leaving
10 his or her public position for the period between January 1 of
11 the year in which the person leaves and the last day of office
12 or employment, unless within the 60-day period the person
13 takes another public position requiring disclosure under this
14 section or s. 8, Art. II of the State Constitution, or
15 otherwise is required to file either full and public
16 disclosure or disclosure under this section for the final
17 reporting period.Each state or local officer who is appointed
18 and each specified state employee who is employed shall file a
19 statement of financial interests within 30 days from the date
20 of appointment or, in the case of a specified state employee,
21 from the date on which the employment begins, except that any
22 person whose appointment is subject to confirmation by the
23 Senate shall file prior to confirmation hearings or within 30
24 days from the date of appointment, whichever comes first.

25 (6) Forms for compliance with the disclosure
26 requirements of this section and a current list of persons
27 subject to disclosure shall be provided by the Commission on
28 Ethics to the Secretary of State and to each supervisor of
29 elections, who shall give notice of disclosure deadlines and
30 delinquencies and distribute forms in the following manner:

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1 (a)1. Not later than May 1 of each year, the
2 Commission on Ethics shall prepare a current list of the names
3 and addresses of, and the offices or positions held by, every
4 state officer, local officer, and specified employee. In
5 compiling the list, the commission shall be assisted by each
6 unit of government in providing, at the request of the
7 commission, the name, address, and name of agency of, and the
8 office or position held by, each state officer, local officer,
9 or specified state employee within the respective unit of
10 government.

11 2. Not later than May 15 of each year, the commission
12 shall provide the Secretary of State with a current mailing
13 list of all state officers and specified employees and shall
14 provide each supervisor of elections with a current mailing
15 list of all local officers required to file with such
16 supervisor of elections.

17 (b) Not later than 30 days before July 1 of each year,
18 the Secretary of State and each supervisor of elections shall
19 mail a copy of the form prescribed for compliance with
20 subsection (3) and a notice of all applicable disclosure forms
21 and filing deadlines to each person required to file a
22 statement of financial interests.

23 (c) Not later than 30 days after July 1 of each year,
24 the Secretary of State and each supervisor of elections shall
25 determine which persons required to file a statement of
26 financial interests in their respective offices have failed to
27 do so and shall send delinquency notices by certified mail to
28 such persons. Each notice shall state that a grace period is
29 in effect until September 1 of the current year; that no
30 investigative or disciplinary action based upon the
31 delinquency will be taken by the agency head or Commission on

1 Ethics if the statement is filed by September 1 of the current
2 year; that, if the statement is not filed by September 1 of
3 the current year, he or she is required by law to notify the
4 Commission on Ethics of the delinquency; and that, if upon the
5 filing of a sworn complaint the commission finds that the
6 person has failed to timely file the statement by September 1
7 of the current year, such person shall be subject to the
8 penalties provided in s. 112.317.

9 (d) Not later than 30 days following September 1 of
10 each year, the Secretary of State and the supervisor of
11 elections in each county shall certify to the Commission on
12 Ethics a list of the names and addresses of, and the offices
13 or positions held by, all persons who have failed to timely
14 file the required statements of financial interests. The
15 certification shall be on a form prescribed by the commission
16 and shall indicate whether the respective certifying official
17 has provided the disclosure forms and notice as required by
18 this subsection to all persons named on the delinquency list.

19 (e) Any state officer, local officer, or specified
20 employee whose name is not on the mailing list provided to the
21 Secretary of State or supervisor of elections is not subject
22 to the penalties provided in s. 112.317 for failure to timely
23 file a statement of financial interests in any year in which
24 the omission occurred.

25 (f) The notification requirements of this subsection
26 do not apply to candidates or to the first filing required of
27 any state officer, specified employee, or local officer.

28 (g) The commission shall include a statement
29 substantially as follows on the form prescribed by it for the
30 statement of financial interests: "In addition to the
31 requirement that you file this disclosure no later than July 1

1 of each year, you will be required to file a final disclosure
2 within 60 days after you leave the position for which you are
3 required to file this form, unless you are subject to one of
4 the following exemptions: (1) within the 60-day period you
5 take another public position requiring financial disclosure
6 under s. 112.3145, Florida Statutes, or s. 8, Art. II of the
7 State Constitution, or (2) you are otherwise required to file
8 full and public disclosure or disclosure under s. 112.3145,
9 Florida Statutes, for the final disclosure period. You may not
10 necessarily receive additional notice of this requirement."
11 The commission shall also prepare a separate explanation of
12 the final disclosure requirements. Any person required to give
13 notice of the final disclosure requirements may fulfill that
14 obligation by providing a copy of the explanation prepared by
15 the commission.

16 (7)(a) The appointing official or body shall notify
17 each newly appointed local officer, state officer, or
18 specified state employee, not later than the date of
19 appointment, of the officer's or employee's duty to comply
20 with the disclosure requirements of this section. The agency
21 head of each employing agency shall notify each newly employed
22 local officer or specified state employee, not later than the
23 day of employment, of the officer's or employee's duty to
24 comply with the disclosure requirements of this section. The
25 appointing official or body or employing agency head may
26 designate a person to be responsible for the notification
27 requirements of this section.

28 (b) The head of the agency of each local officer,
29 state officer, or specified state employee shall, within 30
30 days after leaving his or her public position, notify such
31 person of the officer's or employee's duty to file the final

1 disclosure. The agency head may designate a person to be
2 responsible for the notification requirements of this
3 paragraph. Each qualifying officer shall notify each candidate
4 qualifying for election to office of the final disclosure
5 requirements.

6 (8) A public officer who has filed a disclosure for
7 any calendar or fiscal year shall not be required to file a
8 second disclosure for the same year or any part thereof,
9 notwithstanding any requirement of this act, except that any
10 public officer who qualifies as a candidate for public office
11 shall file a copy of the disclosure with the officer before
12 whom he or she qualifies as a candidate at the time of
13 qualification, and except for the final filing required by
14 paragraph (2)(b).

15 Section 3. Section 112.3146, Florida Statutes, is
16 amended to read:

17 112.3146 Public records.--The statements required by
18 ss. 112.313, 112.3144, 112.3145, 112.3148, and 112.3149 shall
19 be public records within the meaning of s. 119.01.

20 Section 4. Section 112.3147, Florida Statutes, is
21 amended to read:

22 112.3147 Forms.--All information required to be
23 furnished by ss. 112.313, 112.3143, 112.3144, 112.3145,
24 112.3148, and 112.3149 and by s. 8, Art. II of the State
25 Constitution shall be on forms prescribed by the Commission on
26 Ethics.

27 Section 5. Paragraph (d) of subsection (2) of section
28 112.3148, Florida Statutes, is amended to read:

29 112.3148 Reporting and prohibited receipt of gifts by
30 individuals filing full or limited public disclosure of
31 financial interests and by procurement employees.--

1 (2) As used in this section:
2 (d) "Reporting individual" means any individual,
3 including a candidate, who is required by law, pursuant to s.
4 8, Art. II of the State Constitution or s. 112.3145, to file
5 full or limited public disclosure of his or her financial
6 interests or any individual who has been elected to, but has
7 yet to officially assume the responsibilities of, public
8 office. For purposes of implementing this section, the
9 "agency" of a reporting individual who is not an officer or
10 employee in public service is the agency to which the
11 candidate seeks election or, in the case of an individual
12 elected to but yet to formally take office, the agency in
13 which the individual has been elected to serve.

14 Section 6. This act shall take effect upon becoming a
15 law.

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