

1 A bill to be entitled

2 An act relating to financial disclosure; creating s.
3 112.31446, F.S.; providing definitions; requiring the
4 Commission on Ethics to procure and test an electronic
5 filing system by a certain date; providing
6 requirements for such system; providing duties of the
7 units of government, the commission, and persons
8 required to file a specified form; amending s.
9 112.312, F.S.; revising the definition of "disclosure
10 period"; amending ss. 112.3144 and 112.3145, F.S.;
11 requiring certain forms to be electronically filed;
12 prohibiting the commission from requesting certain
13 information; requiring the commission to redact
14 certain information under certain circumstances;
15 requiring certain information be delivered
16 electronically; requiring the commission to provide
17 certain verification to a filer upon request;
18 requiring a declaration be submitted with a disclosure
19 or statement; specifying that certain actions do not
20 constitute an unusual circumstance; revising a
21 schedule to the State Constitution; amending s.
22 112.31455, F.S.; conforming cross-references to
23 changes made by the act; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 112.31446, Florida Statutes, is created to read:

112.31446 Electronic filing system for financial disclosure.—

(1) As used in this section "electronic filing system" means an Internet-based system for receiving, reporting, and publishing disclosures of financial interests, statements of financial interests, or any other form that is required under s. 112.3144 or s. 112.3145. "Disclosure of financial interests" or "disclosure" includes a full and public disclosure of financial interests and a final full and public disclosure of financial interests, and any amendments thereto. "Statement of financial interests" or "statement" includes a statement of financial interests and a final statement of financial interests, and any amendments thereto.

(2) By January 1, 2022, the commission shall procure and test an electronic filing system. The electronic filing system must, at a minimum:

(a) Provide access through the Internet for the completion and submission of disclosures of financial interests, statements of financial interests, or any other form that is required under s. 112.3144 or s. 112.3145.

(b) Upload submitted information to the commission using software that must be approved by the commission.

51 (c) Establish a procedure to make filings available in a
52 searchable format that is accessible by an individual using
53 standard Internet-browsing software.

54 (d) Issue a verification or receipt that the commission
55 has received the submitted disclosure or statement.

56 (e) Provide security that prevents unauthorized access to
57 the electronic filing system's functions or data.

58 (f) Provide a method for an attorney or certified public
59 accountant licensed in this state to complete the disclosure or
60 statement and certify that he or she prepared the disclosure or
61 statement in accordance with s. 112.3144 or s. 112.3145, the
62 instructions for completing and filing the disclosure or
63 statement, and that, upon his or her reasonable knowledge and
64 belief, the information on the disclosure or statement is true
65 and correct.

66 (3) Each unit of government shall provide an e-mail
67 address to any of its officers, members, or employees who must
68 file a disclosure of financial interests or statement of
69 financial interests, and provide such e-mail addresses to the
70 commission by February 1 of each year. A person required to file
71 a disclosure of financial interests or statement of financial
72 interests must inform the commission immediately of any change
73 in his or her e-mail address.

74 (4) The commission shall provide each person required to
75 file a disclosure of financial interests or statement of

76 financial interests a secure log-in to the electronic filing
77 system. Such person is responsible for protecting his or her
78 secure log-in credentials from disclosure and is responsible for
79 all filings submitted to the commission with such credentials,
80 unless the person has notified the commission that his or her
81 credentials have been compromised.

82 (5) If the Governor declares the electronic filing system
83 to be inoperable, the commission must accept submissions of
84 disclosures or statements required under s. 112.3144 or s.
85 112.3145 through other methods as specified by order of the
86 Governor.

87 Section 2. Effective January 1, 2020, subsection (10) of
88 section 112.312, Florida Statutes, is amended to read:

89 112.312 Definitions.—As used in this part and for purposes
90 of the provisions of s. 8, Art. II of the State Constitution,
91 unless the context otherwise requires:

92 (10) "Disclosure period" means the calendar taxable year
93 if disclosure is required for the entire year, or the portion of
94 a calendar year ending with the last day of the period for which
95 disclosure is required for the person or business entity,
96 whether based on a calendar or fiscal year, immediately
97 preceding the date on which, or the last day of the period
98 during which, the financial disclosure statement required by
99 this part is required to be filed.

100 Section 3. Section 112.3144, Florida Statutes, is amended

101 to read:

102 112.3144 Full and public disclosure of financial
103 interests.—

104 (1) An officer who is required by s. 8, Art. II of the
105 State Constitution to file a full and public disclosure of his
106 or her financial interests for any calendar or fiscal year, or
107 any other person required by law to file a disclosure under this
108 section, shall file that disclosure with the Florida Commission
109 on Ethics. Additionally, ~~beginning January 1, 2015,~~ an officer
110 who is required to complete annual ethics training pursuant to
111 s. 112.3142 must certify on his or her full and public
112 disclosure of financial interests that he or she has completed
113 the required training.

114 (2) Beginning January 1, 2022, a full and public
115 disclosure of financial interests and a final full and public
116 disclosure of financial interests, and amendments thereto, or
117 any other form required by this section, must be filed
118 electronically through an electronic filing system, as provided
119 for in s. 112.31446, that is created and maintained by the
120 commission.

121 (3) A person who is required, pursuant to s. 8, Art. II of
122 the State Constitution, to file a full and public disclosure of
123 financial interests and who has filed a full and public
124 disclosure of financial interests for any calendar or fiscal
125 year shall not be required to file a statement of financial

126 interests pursuant to s. 112.3145(2) and (3) for the same year
127 or for any part thereof notwithstanding any requirement of this
128 part. Until the electronic filing system required by subsection
129 (2) is implemented, if an incumbent in an elective office has
130 filed the full and public disclosure of financial interests to
131 qualify for election to the same office or if a candidate for
132 office holds another office subject to the annual filing
133 requirement, the qualifying officer shall forward an electronic
134 copy of the full and public disclosure of financial interests to
135 the commission no later than July 1. The electronic copy of the
136 full and public disclosure of financial interests satisfies the
137 annual disclosure requirement of this section. A candidate who
138 does not qualify until after the annual full and public
139 disclosure of financial interests has been filed pursuant to
140 this section shall file a copy of his or her disclosure with the
141 officer before whom he or she qualifies.

142 (4)~~(3)~~ For purposes of full and public disclosure under s.
143 8(a), Art. II of the State Constitution, the following items, if
144 not held for investment purposes and if valued at over \$1,000 in
145 the aggregate, may be reported in a lump sum and identified as
146 "household goods and personal effects":

- 147 (a) Jewelry;
- 148 (b) Collections of stamps, guns, and numismatic
149 properties;
- 150 (c) Art objects;

- 151 (d) Household equipment and furnishings;
152 (e) Clothing;
153 (f) Other household items; and
154 (g) Vehicles for personal use.

155 (5)~~(4)~~(a) With respect to reporting, on forms prescribed
156 under this section, assets valued in excess of \$1,000 which the
157 reporting individual holds jointly with another person, the
158 amount reported shall be based on the reporting individual's
159 legal percentage of ownership in the property. However, assets
160 that are held jointly, with right of survivorship, must be
161 reported at 100 percent of the value of the asset. For purposes
162 of this subsection, a reporting individual is deemed to own a
163 percentage of a partnership which is equal to the reporting
164 individual's interest in the capital or equity of the
165 partnership.

166 (b)1. With respect to reporting, on forms prescribed under
167 this section, liabilities valued in excess of \$1,000 ~~on forms~~
168 ~~prescribed under this section~~ for which the reporting individual
169 is jointly and severally liable, the amount reported shall be
170 based on the reporting individual's percentage of liability
171 rather than the total amount of the liability. However,
172 liability for a debt that is secured by property owned by the
173 reporting individual but that is held jointly, with right of
174 survivorship, must be reported at 100 percent of the total
175 amount owed.

176 2. A separate section of the form shall be created to
177 provide for the reporting of the amounts of joint and several
178 liability of the reporting individual not otherwise reported in
179 subparagraph 1.

180 (c) With respect to reporting income, on forms prescribed
181 under this section, each separate source and amount of income
182 which exceeds \$1,000 must be identified. For purposes of
183 reporting income, a person required to file a full and public
184 disclosure of financial interests may not provide, and the
185 commission may not accept, a federal income tax return or a copy
186 of the same.

187 (6) The commission may not request, and a public officer,
188 candidate, or other person may not provide, in any filing or
189 submission, a federal income tax return or a copy of the same; a
190 social security number; a bank, mortgage, or brokerage account
191 number; a debit, charge, or credit card number; a personal
192 identification number; a taxpayer identification number; or any
193 other personal or account information that is legally protected
194 from disclosure under state or federal law. Once the electronic
195 filing system is implemented, if a public officer, candidate, or
196 other person voluntarily provides such information, the
197 information is not subject to any confidentiality or public
198 records exemptions under s. 119.071. The commission shall redact
199 a filer's social security number; bank, mortgage, or brokerage
200 account number; debit, charge, or credit card number; personal

201 identification number; taxpayer identification number; or any
202 other personal or account information that is legally protected
203 from disclosure under state or federal law upon written
204 notification from the filer of its inadvertent inclusion. Such
205 notice shall specify the information inadvertently included and
206 the specific section or sections of the disclosure in which it
207 was included.

208 (7)-(5) Until the electronic filing system required in
209 subsection (2) is implemented, forms for compliance with the
210 full and public disclosure requirements of s. 8, Art. II of the
211 State Constitution shall be prescribed ~~created~~ by the commission
212 ~~on Ethics~~. The commission shall give notice of disclosure
213 deadlines and delinquencies and distribute forms in the
214 following manner:

215 (a) Not later than May 1 of each year, the commission
216 shall prepare a current list of the names, e-mail addresses, and
217 addresses of and the offices held by every person required to
218 file full and public disclosure annually by s. 8, Art. II of the
219 State Constitution, or other state law. ~~In compiling the list,~~
220 ~~the commission shall be assisted by~~ Each unit of government
221 shall assist the commission in compiling the list by ~~in~~
222 providing to the commission not later than February 1 of each
223 year, at the request of the commission the name, e-mail address,
224 address, and name of the office held by such person each public
225 official within the respective unit of government as of December

226 31 of the preceding year.

227 (b) Not later than June 1 ~~30 days before July 1~~ of each
228 year, the commission shall distribute ~~mail~~ a copy of the form
229 prescribed for compliance with full and public disclosure and a
230 notice of the filing deadline to each person on the ~~mailing~~
231 list. Beginning January 1, 2022, notice required under this
232 paragraph shall be delivered by e-mail or other electronic
233 means.

234 (c) Not later than August 1 ~~30 days after July 1~~ of each
235 year, the commission shall determine which persons on the
236 ~~mailing~~ list have failed to file full and public disclosure and
237 shall send delinquency notices ~~by certified mail~~ to such
238 persons. Each notice shall state that a grace period is in
239 effect until September 1 of the current year. Beginning January
240 1, 2022, notice required under this paragraph shall be delivered
241 on a weekly basis by e-mail or other electronic means.

242 (d) Disclosures ~~Statements~~ must be received by the
243 commission ~~filed~~ not later than 5 p.m. of the due date. However,
244 any disclosure ~~statement~~ that is postmarked by the United States
245 Postal Service by midnight of the due date is deemed to have
246 been filed in a timely manner, and a certificate of mailing
247 obtained from and dated by the United States Postal Service at
248 the time of the mailing, or a receipt from an established
249 courier company which bears a date on or before the due date,
250 constitutes proof of mailing in a timely manner. Beginning

251 January 1, 2022, upon request of the filer, the commission shall
252 provide verification to the filer that the commission has
253 received the submitted disclosure.

254 (e) Beginning January 1, 2022, a written declaration, as
255 provided for under s. 92.525(2), accompanied by an electronic
256 signature satisfies the requirement that the disclosure be
257 sworn.

258 (f) Any person who is required to file full and public
259 disclosure of financial interests and whose name is on the
260 commission's ~~mailing~~ list, and to whom notice has been sent, but
261 who fails to timely file is assessed a fine of \$25 per day for
262 each day late up to a maximum of \$1,500; however this \$1,500
263 limitation on automatic fines does not limit the civil penalty
264 that may be imposed if the disclosure ~~statement~~ is filed more
265 than 60 days after the deadline and a complaint is filed, as
266 provided in s. 112.324. The commission must provide by rule the
267 grounds for waiving the fine and the procedures by which each
268 person whose name is on the ~~mailing~~ list and who is determined
269 to have not filed in a timely manner will be notified of
270 assessed fines and may appeal. The rule must provide for and
271 make specific the following:

272 1. The amount of the fine due is based upon the earliest
273 of the following:

274 a. When a disclosure ~~statement~~ is actually received by the
275 office.

276 b. When the disclosure ~~statement~~ is postmarked.

277 c. When the certificate of mailing is dated.

278 d. When the receipt from an established courier company is
279 dated.

280 2. Upon receipt of the disclosure ~~statement~~ or upon
281 accrual of the maximum penalty, whichever occurs first, the
282 commission shall determine the amount of the fine which is due
283 and shall notify the delinquent person. The notice must include
284 an explanation of the appeal procedure under subparagraph 3.
285 Such fine must be paid within 30 days after the notice of
286 payment due is transmitted, unless appeal is made to the
287 commission pursuant to subparagraph 3. The moneys shall be
288 deposited into the General Revenue Fund.

289 3. Any reporting person may appeal or dispute a fine,
290 based upon unusual circumstances surrounding the failure to file
291 on the designated due date, and may request and is entitled to a
292 hearing before the commission, which may waive the fine in whole
293 or in part for good cause shown. Any such request must be in
294 writing and received by the commission ~~made~~ within 30 days after
295 the notice of payment due is transmitted. In such a case, the
296 reporting person must, within the 30-day period, notify the
297 person designated to review the timeliness of reports in writing
298 of his or her intention to bring the matter before the
299 commission. "Unusual circumstances" does not include the failure
300 to monitor an e-mail account or failure to receive notice, if

301 the person has not notified the commission of a change in his or
302 her e-mail address.

303 (g)~~(f)~~ Any person subject to the annual filing of full and
304 public disclosure under s. 8, Art. II of the State Constitution,
305 or other state law, whose name is not on the commission's
306 ~~mailing~~ list of persons required to file full and public
307 disclosure is not subject to the fines or penalties provided in
308 this part for failure to file full and public disclosure in any
309 year in which the omission occurred, but nevertheless is
310 required to file the disclosure ~~statement~~.

311 (h)~~(g)~~ The notification requirements and fines of this
312 subsection do not apply to candidates or to the first filing
313 required of any person appointed to elective constitutional
314 office or other position required to file full and public
315 disclosure, unless the person's name is on the commission's
316 ~~notification~~ list and the person received notification from the
317 commission. The appointing official shall notify such newly
318 appointed person of the obligation to file full and public
319 disclosure by July 1. The notification requirements and fines of
320 this subsection do not apply to the final filing provided for in
321 subsection (9) ~~(7)~~.

322 (i)~~(h)~~ Notwithstanding any provision of chapter 120, any
323 fine imposed under this subsection which is not waived by final
324 order of the commission and which remains unpaid more than 60
325 days after the notice of payment due or more than 60 days after

326 the commission renders a final order on the appeal must be
327 submitted to the Department of Financial Services as a claim,
328 debt, or other obligation owed to the state, and the department
329 shall assign the collection of such fine to a collection agent
330 as provided in s. 17.20.

331 (8)~~(6)~~ If a person holding public office or public
332 employment fails or refuses to file a full and public disclosure
333 of financial interests for any year in which the person received
334 notice from the commission regarding the failure to file and has
335 accrued the maximum automatic fine authorized under this
336 section, regardless of whether the fine imposed was paid or
337 collected, the commission shall initiate an investigation and
338 conduct a public hearing without receipt of a complaint to
339 determine whether the person's failure to file is willful. Such
340 investigation and hearing must be conducted in accordance with
341 s. 112.324. Except as provided in s. 112.324(4), if the
342 commission determines that the person willfully failed to file a
343 full and public disclosure of financial interests, the
344 commission shall enter an order recommending that the officer or
345 employee be removed from his or her public office or public
346 employment. The commission shall forward its recommendations as
347 provided in s. 112.324.

348 (9)~~(7)~~ Each person required to file full and public
349 disclosure of financial interests shall file a final disclosure
350 ~~statement~~ within 60 days after leaving his or her public

351 position for the period between January 1 of the year in which
352 the person leaves and the last day of office or employment,
353 unless within the 60-day period the person takes another public
354 position requiring financial disclosure under s. 8, Art. II of
355 the State Constitution, or is otherwise required to file full
356 and public disclosure for the final disclosure period. The head
357 of the agency of each person required to file full and public
358 disclosure for the final disclosure period shall notify such
359 persons of their obligation to file the final disclosure and may
360 designate a person to be responsible for the notification
361 requirements of this subsection.

362 (10)-(8)(a) The commission shall treat an amendment to a
363 ~~amended~~ full and public disclosure of financial interests which
364 is filed before September 1 of the year in which the disclosure
365 is due as part of the original filing, regardless of whether a
366 complaint has been filed. If a complaint alleges only an
367 immaterial, inconsequential, or de minimis error or omission,
368 the commission may not take any action on the complaint other
369 than notifying the filer of the complaint. The filer must be
370 given 30 days to file an amendment to the ~~amended~~ full and
371 public disclosure of financial interests correcting any errors.
372 If the filer does not file an amendment to the ~~amended~~ full and
373 public disclosure of financial interests within 30 days after
374 the commission sends notice of the complaint, the commission may
375 continue with proceedings pursuant to s. 112.324.

376 (b) For purposes of the final full and public disclosure
377 of financial interests, the commission shall treat an amendment
378 to a new final full and public disclosure of financial interests
379 as part of the original filing if filed within 60 days after the
380 original filing, regardless of whether a complaint has been
381 filed. If, more than 60 days after a final full and public
382 disclosure of financial interests is filed, a complaint is filed
383 alleging a complete omission of any information required to be
384 disclosed by this section, the commission may immediately follow
385 the complaint procedures in s. 112.324. However, if the
386 complaint alleges an immaterial, inconsequential, or de minimis
387 error or omission, the commission may not take any action on the
388 complaint, other than notifying the filer of the complaint. The
389 filer must be given 30 days to file an amendment to the ~~a~~ new
390 final full and public disclosure of financial interests
391 correcting any errors. If the filer does not file an amendment
392 to the ~~a~~ new final full and public disclosure of financial
393 interests within 30 days after the commission sends notice of
394 the complaint, the commission may continue with proceedings
395 pursuant to s. 112.324.

396 (c) For purposes of this section, an error or omission is
397 immaterial, inconsequential, or de minimis if the original
398 filing provided sufficient information for the public to
399 identify potential conflicts of interest. However, failure to
400 certify completion of annual ethics training required under s.

401 112.3142 does not constitute an immaterial, inconsequential, or
402 de minimis error or omission.

403 (11)~~(9)~~(a) An individual required to file a disclosure
404 pursuant to this section may have the disclosure prepared by an
405 attorney in good standing with The Florida Bar or by a certified
406 public accountant licensed under chapter 473. After preparing a
407 disclosure form, the attorney or certified public accountant
408 must sign the form indicating that he or she prepared the form
409 in accordance with this section and the instructions for
410 completing and filing the disclosure forms and that, upon his or
411 her reasonable knowledge and belief, the disclosure is true and
412 correct. If a complaint is filed alleging a failure to disclose
413 information required by this section, the commission shall
414 determine whether the information was disclosed to the attorney
415 or certified public accountant. The failure of the attorney or
416 certified public accountant to accurately transcribe information
417 provided by the individual required to file is not a violation
418 of this section.

419 (b) An elected officer or candidate who chooses to use an
420 attorney or a certified public accountant to prepare his or her
421 disclosure may pay for the services of the attorney or certified
422 public accountant from funds in an office account created
423 pursuant to s. 106.141 or, during a year that the individual
424 qualifies for election to public office, the candidate's
425 campaign depository pursuant to s. 106.021.

426 (12) ~~(10)~~ The commission shall adopt rules and forms
427 specifying how a person who is required to file full and public
428 disclosure of financial interests may amend his or her
429 disclosure ~~statement~~ to report information that was not included
430 on the form as originally filed. If the amendment is the subject
431 of a complaint filed under this part, the commission and the
432 proper disciplinary official or body shall consider as a
433 mitigating factor when considering appropriate disciplinary
434 action the fact that the amendment was filed before any
435 complaint or other inquiry or proceeding, while recognizing that
436 the public was deprived of access to information to which it was
437 entitled.

438 (13) The provisions of this section constitute a revision
439 to the schedule included in s. 8(i), Art. II of the State
440 Constitution.

441 Section 4. Section 112.3145, Florida Statutes, is amended
442 to read:

443 112.3145 Disclosure of financial interests and clients
444 represented before agencies.—

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

447 (a) "Local officer" means:

448 1. Every person who is elected to office in any political
449 subdivision of the state, and every person who is appointed to
450 fill a vacancy for an unexpired term in such an elective office.

- 451 2. Any appointed member of any of the following boards,
452 councils, commissions, authorities, or other bodies of any
453 county, municipality, school district, independent special
454 district, or other political subdivision of the state:
- 455 a. The governing body of the political subdivision, if
456 appointed;
- 457 b. A community college or junior college district board of
458 trustees;
- 459 c. A board having the power to enforce local code
460 provisions;
- 461 d. A planning or zoning board, board of adjustment, board
462 of appeals, community redevelopment agency board, or other board
463 having the power to recommend, create, or modify land planning
464 or zoning within the political subdivision, except for citizen
465 advisory committees, technical coordinating committees, and such
466 other groups who only have the power to make recommendations to
467 planning or zoning boards;
- 468 e. A pension board or retirement board having the power to
469 invest pension or retirement funds or the power to make a
470 binding determination of one's entitlement to or amount of a
471 pension or other retirement benefit; or
- 472 f. Any other appointed member of a local government board
473 who is required to file a statement of financial interests by
474 the appointing authority or the enabling legislation, ordinance,
475 or resolution creating the board.

476 3. Any person holding one or more of the following
 477 positions: mayor; county or city manager; chief administrative
 478 employee of a county, municipality, or other political
 479 subdivision; county or municipal attorney; finance director of a
 480 county, municipality, or other political subdivision; chief
 481 county or municipal building code inspector; county or municipal
 482 water resources coordinator; county or municipal pollution
 483 control director; county or municipal environmental control
 484 director; county or municipal administrator, with power to grant
 485 or deny a land development permit; chief of police; fire chief;
 486 municipal clerk; district school superintendent; community
 487 college president; district medical examiner; or purchasing
 488 agent having the authority to make any purchase exceeding the
 489 threshold amount provided for in s. 287.017 for CATEGORY TWO
 490 ~~ONE~~, on behalf of any political subdivision of the state or any
 491 entity thereof.

492 (b) "Specified state employee" means:

493 1. Public counsel created by chapter 350, an assistant
 494 state attorney, an assistant public defender, a criminal
 495 conflict and civil regional counsel, an assistant criminal
 496 conflict and civil regional counsel, a full-time state employee
 497 who serves as counsel or assistant counsel to any state agency,
 498 ~~the Deputy Chief Judge of Compensation Claims, a judge of~~
 499 ~~compensation claims,~~ an administrative law judge, or a hearing
 500 officer.

501 2. Any person employed in the office of the Governor or in
502 the office of any member of the Cabinet if that person is exempt
503 from the Career Service System, except persons employed in
504 clerical, secretarial, or similar positions.

505 3. The State Surgeon General or each appointed secretary,
506 assistant secretary, deputy secretary, executive director,
507 assistant executive director, or deputy executive director of
508 each state department, commission, board, or council; unless
509 otherwise provided, the division director, assistant division
510 director, deputy director, and bureau chief, ~~and assistant~~
511 ~~bureau chief~~ of any state department or division; or any person
512 having the power normally conferred upon such persons, by
513 whatever title.

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

519 5. Business managers, purchasing agents having the power
520 to make any purchase exceeding the threshold amount provided for
521 in s. 287.017 for CATEGORY TWO ~~ONE~~, finance and accounting
522 directors, personnel officers, or grants coordinators for any
523 state agency.

524 6. Any person, other than a legislative assistant exempted
525 by the presiding officer of the house by which the legislative

526 assistant is employed, who is employed in the legislative branch
527 of government, except persons employed in maintenance, clerical,
528 secretarial, or similar positions.

529 7. Each employee of the Commission on Ethics.

530 (c) "State officer" means:

531 1. Any elected public officer, excluding those elected to
532 the United States Senate and House of Representatives, not
533 covered elsewhere in this part and any person who is appointed
534 to fill a vacancy for an unexpired term in such an elective
535 office.

536 2. An appointed member of each board, commission,
537 authority, or council having statewide jurisdiction, excluding a
538 member of an advisory body.

539 3. A member of the Board of Governors of the State
540 University System or a state university board of trustees, the
541 Chancellor and Vice Chancellors of the State University System,
542 and the president of a state university.

543 4. A member of the judicial nominating commission for any
544 district court of appeal or any judicial circuit.

545 (2) (a) A person seeking nomination or election to a state
546 or local elective office shall file a statement of financial
547 interests together with, and at the same time he or she files,
548 qualifying papers. Until the electronic filing system is
549 implemented under paragraph (d), when a candidate has qualified
550 for office prior to the deadline to file an annual statement of

551 financial interests, the statement of financial interests that
552 is filed with the candidate's qualifying papers shall be deemed
553 to satisfy the annual disclosure requirement of this section.
554 The qualifying officer must record that the statement of
555 financial interests was timely filed. However, if a candidate
556 does not qualify until after the annual statement of financial
557 interests has been filed, the candidate may file a copy of his
558 or her statement with the qualifying officer.

559 (b) Each state or local officer and each specified state
560 employee shall file a statement of financial interests no later
561 than July 1 of each year. Each state officer, local officer, and
562 specified state employee shall file a final statement of
563 financial interests within 60 days after leaving his or her
564 public position for the period between January 1 of the year in
565 which the person leaves and the last day of office or
566 employment, unless within the 60-day period the person takes
567 another public position requiring financial disclosure under
568 this section or s. 8, Art. II of the State Constitution or
569 otherwise is required to file full and public disclosure or a
570 statement of financial interests for the final disclosure
571 period. Each state or local officer who is appointed and each
572 specified state employee who is employed shall file a statement
573 of financial interests within 30 days from the date of
574 appointment or, in the case of a specified state employee, from
575 the date on which the employment begins, except that any person

576 whose appointment is subject to confirmation by the Senate shall
577 file prior to confirmation hearings or within 30 days from the
578 date of appointment, whichever comes first.

579 (c) State officers and specified state employees shall
580 file their statements of financial interests with the commission
581 ~~on Ethics~~. Local officers shall file their statements of
582 financial interests with the supervisor of elections of the
583 county in which they permanently reside. Local officers who do
584 not permanently reside in any county in the state shall file
585 their statements of financial interests with the supervisor of
586 elections of the county in which their agency maintains its
587 headquarters. Persons seeking to qualify as candidates for local
588 public office shall file their statements of financial interests
589 with the officer before whom they qualify.

590 (d) Beginning January 1, 2023, a statement of financial
591 interests and a final statement of financial interests, and
592 amendments thereto, or any other form required by this section,
593 must be filed electronically through an electronic filing
594 system, as provided for in s. 112.31446, that is created and
595 maintained by the commission.

596 (3) The statement of financial interests for state
597 officers, specified state employees, local officers, and persons
598 seeking to qualify as candidates for state or local office shall
599 be filed even if the reporting person holds no financial
600 interests requiring disclosure in a particular category, in

601 which case that section of the statement shall be marked "not
602 applicable." Otherwise, the statement of financial interests
603 shall include, ~~at the filer's option,~~ either:

604 (a) Until January 1, 2023:

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

612 2. All sources of income to a business entity in excess of
613 10 percent of the gross income of a business entity in which the
614 reporting person held a material interest and from which he or
615 she received an amount which was in excess of 10 percent of his
616 or her gross income during the disclosure period and which
617 exceeds \$1,500. The period for computing the gross income of the
618 business entity is the fiscal year of the business entity which
619 ended on, or immediately prior to, the end of the disclosure
620 period of the person reporting;

621 3. The location or description of real property in this
622 state, except for residences and vacation homes, owned directly
623 or indirectly by the person reporting, when such person owns in
624 excess of 5 percent of the value of such real property, and a
625 general description of any intangible personal property worth in

626 excess of 10 percent of such person's total assets. For the
627 purposes of this paragraph, indirect ownership does not include
628 ownership by a spouse or minor child; and

629 4. Every individual liability that equals more than the
630 reporting person's net worth; or

631 (b)1. All sources of gross income in excess of \$2,500
632 received during the disclosure period by the person in his or
633 her own name or by any other person for his or her use or
634 benefit, excluding public salary. However, this shall not be
635 construed to require disclosure of a business partner's sources
636 of income. The person reporting shall list such sources in
637 descending order of value with the largest source first;

638 2. All sources of income to a business entity in excess of
639 10 percent of the gross income of a business entity in which the
640 reporting person held a material interest and from which he or
641 she received gross income exceeding \$5,000 during the disclosure
642 period. The period for computing the gross income of the
643 business entity is the fiscal year of the business entity which
644 ended on, or immediately prior to, the end of the disclosure
645 period of the person reporting;

646 3. The location or description of real property in this
647 state, except for residence and vacation homes, owned directly
648 or indirectly by the person reporting, when such person owns in
649 excess of 5 percent of the value of such real property, and a
650 general description of any intangible personal property worth in

651 excess of \$10,000. For the purpose of this paragraph, indirect
652 ownership does not include ownership by a spouse or minor child;
653 and

654 4. Every liability in excess of \$10,000.

655
656 A person filing a statement of financial interests shall
657 indicate on the statement whether he or she is using the method
658 specified in paragraph (a) or paragraph (b). Beginning January
659 1, 2023, a person filing a statement may only use the method
660 specified in paragraph (b).

661 (4) The commission may not request, and a local or state
662 officer or specified state employee may not provide, in any
663 filing or submission, a federal income tax return or a copy of
664 the same; a social security number; a bank, mortgage, or
665 brokerage account number; a debit, charge, or credit card
666 number; a personal identification number; a taxpayer
667 identification number; or any other personal or account
668 information that is legally protected from disclosure under
669 state or federal law. Once the electronic filing system is
670 implemented, if a local or state officer or specified state
671 employee voluntarily provides such information, the information
672 is not subject to any confidentiality or public records
673 exemptions under s. 119.071. The commission shall redact a
674 filer's social security number; bank, mortgage, or brokerage
675 account number; debit, charge, or credit card number; personal

676 identification number; taxpayer identification number; or any
677 other personal or account information that is legally protected
678 from disclosure under state or federal law upon written
679 notification from the filer of its inadvertent inclusion. Such
680 notice shall specify the information inadvertently included and
681 the specific section or sections of the statement in which it
682 was included.

683 (5) ~~Beginning January 1, 2015,~~ An officer who is required
684 to complete annual ethics training pursuant to s. 112.3142 must
685 certify on his or her statement of financial interests that he
686 or she has completed the required training.

687 (6)~~(5)~~ Each elected constitutional officer, state officer,
688 local officer, and specified state employee shall file a
689 quarterly report of the names of clients represented for a fee
690 or commission, except for appearances in ministerial matters,
691 before agencies at his or her level of government. For the
692 purposes of this part, agencies of government shall be
693 classified as state-level agencies or agencies below state
694 level. Each local officer shall file such report with the
695 supervisor of elections of the county in which the officer is
696 principally employed or is a resident. Each state officer,
697 elected constitutional officer, and specified state employee
698 shall file such report with the commission. The report shall be
699 filed only when a reportable representation is made during the
700 calendar quarter and shall be filed no later than the last day

701 of each calendar quarter, for the previous calendar quarter.
702 Representation before any agency shall be deemed to include
703 representation by such officer or specified state employee or by
704 any partner or associate of the professional firm of which he or
705 she is a member and of which he or she has actual knowledge. For
706 the purposes of this subsection, the term "representation before
707 any agency" does not include appearances before any court or the
708 Deputy Chief Judge of Compensation Claims or judges of
709 compensation claims or representations on behalf of one's agency
710 in one's official capacity. Such term does not include the
711 preparation and filing of forms and applications merely for the
712 purpose of obtaining or transferring a license based on a quota
713 or a franchise of such agency or a license or operation permit
714 to engage in a profession, business, or occupation, so long as
715 the issuance or granting of such license, permit, or transfer
716 does not require substantial discretion, a variance, a special
717 consideration, or a certificate of public convenience and
718 necessity.

719 (7)~~(6)~~ Each elected constitutional officer and each
720 candidate for such office, any other public officer required
721 pursuant to s. 8, Art. II of the State Constitution to file a
722 full and public disclosure of his or her financial interests,
723 and each state officer, local officer, specified state employee,
724 and candidate for elective public office who is or was during
725 the disclosure period an officer, director, partner, proprietor,

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726 or agent, other than a resident agent solely for service of
727 process, of, or owns or owned during the disclosure period a
728 material interest in, any business entity which is granted a
729 privilege to operate in this state shall disclose such facts as
730 a part of the disclosure form filed pursuant to s. 8, Art. II of
731 the State Constitution or this section, as applicable. The
732 statement shall give the name, address, and principal business
733 activity of the business entity and shall state the position
734 held with such business entity or the fact that a material
735 interest is owned and the nature of that interest.

736 (8)~~(7)~~ Forms for compliance with the disclosure
737 requirements of this section and a current list of persons
738 subject to disclosure shall be created by the commission and
739 provided to each supervisor of elections. The commission and
740 each supervisor of elections shall give notice of disclosure
741 deadlines and delinquencies and distribute forms in the
742 following manner:

743 (a)1. Not later than May 1 of each year, the commission
744 shall prepare a current list of the names, e-mail addresses, and
745 addresses of, and the offices or positions held by, every state
746 officer, local officer, and specified employee. ~~In compiling the~~
747 ~~list, the commission shall be assisted by~~ Each unit of
748 government shall assist the commission in compiling the list by
749 in providing to the commission not later than February 1 of each
750 year, at the request of the commission, the name, e-mail

751 address, address, and name of agency of, and the office or
752 position held by, each state officer, local officer, or
753 specified state employee within the respective unit of
754 government as of December 31 of the preceding year.

755 2. Not later than May 15 of each year, the commission
756 shall provide each supervisor of elections with a current
757 ~~mailing~~ list of all local officers required to file with such
758 supervisor of elections.

759 (b) Not later than June 1 ~~30 days before July 1~~ of each
760 year, the commission and each supervisor of elections, as
761 appropriate, shall distribute ~~mail~~ a copy of the form prescribed
762 for compliance with subsection (3) and a notice of all
763 applicable ~~disclosure~~ forms and filing deadlines to each person
764 required to file a statement of financial interests. Beginning
765 January 1, 2023, notice required under this paragraph shall be
766 delivered by e-mail or other electronic means.

767 (c) Not later than August 1 ~~30 days after July 1~~ of each
768 year, the commission and each supervisor of elections shall
769 determine which persons required to file a statement of
770 financial interests in their respective offices have failed to
771 do so and shall send delinquency notices ~~by certified mail,~~
772 ~~return receipt requested,~~ to these persons. Each notice shall
773 state that a grace period is in effect until September 1 of the
774 current year; that no investigative or disciplinary action based
775 upon the delinquency will be taken by the agency head or

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776 commission if the statement is filed by September 1 of the
777 current year; that, if the statement is not filed by September 1
778 of the current year, a fine of \$25 for each day late will be
779 imposed, up to a maximum penalty of \$1,500; for notices
780 distributed ~~sent~~ by a supervisor of elections, that he or she is
781 required by law to notify the commission of the delinquency; and
782 that, if upon the filing of a sworn complaint the commission
783 finds that the person has failed to timely file the statement
784 within 60 days after September 1 of the current year, such
785 person will also be subject to the penalties provided in s.
786 112.317. Beginning January 1, 2023, notice required under this
787 paragraph shall be delivered on a weekly basis by e-mail or
788 electronic means.

789 (d) No later than November 15 of each year, the supervisor
790 of elections in each county shall certify to the commission a
791 list of the names and addresses of, and the offices or positions
792 held by, all persons who have failed to timely file the required
793 statements of financial interests. The certification must
794 include the earliest of the dates described in subparagraph
795 (g)1. ~~(f)1.~~ The certification shall be on a form prescribed by
796 the commission and shall indicate whether the supervisor of
797 elections has provided the ~~disclosure~~ forms and notice as
798 required by this subsection to all persons named on the
799 delinquency list.

800 (e) Statements must be received by the commission ~~filed~~

801 not later than 5 p.m. of the due date. However, any statement
802 that is postmarked by the United States Postal Service by
803 midnight of the due date is deemed to have been filed in a
804 timely manner, and a certificate of mailing obtained from and
805 dated by the United States Postal Service at the time of the
806 mailing, or a receipt from an established courier company which
807 bears a date on or before the due date, constitutes proof of
808 mailing in a timely manner. Beginning January 1, 2023, upon
809 request of the filer, the commission shall provide verification
810 to the filer that the commission has received the submitted
811 statement.

812 (f) Beginning January 1, 2023, the statement must be
813 accompanied by a declaration as provided in s. 92.525(2) and an
814 electronic acknowledgement thereof.

815 (g) Any person who is required to file a statement of
816 financial interests and whose name is on the commission's
817 ~~mailing~~ list, and to whom notice has been sent, but who fails to
818 timely file is assessed a fine of \$25 per day for each day late
819 up to a maximum of \$1,500; however, this \$1,500 limitation on
820 automatic fines does not limit the civil penalty that may be
821 imposed if the statement is filed more than 60 days after the
822 deadline and a complaint is filed, as provided in s. 112.324.
823 The commission must provide by rule the grounds for waiving the
824 fine and procedures by which each person whose name is on the
825 ~~mailing~~ list and who is determined to have not filed in a timely

826 | manner will be notified of assessed fines and may appeal. The
 827 | rule must provide for and make specific the following:
 828 | 1. The amount of the fine due is based upon the earliest
 829 | of the following:
 830 | a. When a statement is actually received by the office.
 831 | b. When the statement is postmarked.
 832 | c. When the certificate of mailing is dated.
 833 | d. When the receipt from an established courier company is
 834 | dated.
 835 | 2. For a specified state employee or a state officer, upon
 836 | receipt of the ~~disclosure~~ statement by the commission or upon
 837 | accrual of the maximum penalty, whichever occurs first, and for
 838 | a local officer upon receipt by the commission of the
 839 | certification from the local officer's supervisor of elections
 840 | pursuant to paragraph (d), the commission shall determine the
 841 | amount of the fine which is due and shall notify the delinquent
 842 | person. The notice must include an explanation of the appeal
 843 | procedure under subparagraph 3. The fine must be paid within 30
 844 | days after the notice of payment due is transmitted, unless
 845 | appeal is made to the commission pursuant to subparagraph 3. The
 846 | moneys are to be deposited into the General Revenue Fund.
 847 | 3. Any reporting person may appeal or dispute a fine,
 848 | based upon unusual circumstances surrounding the failure to file
 849 | on the designated due date, and may request and is entitled to a
 850 | hearing before the commission, which may waive the fine in whole

851 or in part for good cause shown. Any such request must be in
852 writing and received by the commission ~~made~~ within 30 days after
853 the notice of payment due is transmitted. In such a case, the
854 reporting person must, within the 30-day period, notify the
855 person designated to review the timeliness of reports in writing
856 of his or her intention to bring the matter before the
857 commission. "Unusual circumstances" does not include the failure
858 to monitor an e-mail account or failure to receive notice, if
859 the person has not notified the commission of a change in his or
860 her e-mail address.

861 (h) ~~(g)~~ Any state officer, local officer, or specified
862 employee whose name is not on the ~~mailing~~ list of persons
863 required to file an annual statement of financial interests is
864 not subject to the penalties provided in s. 112.317 or the fine
865 provided in this section for failure to timely file a statement
866 of financial interests in any year in which the omission
867 occurred, but nevertheless is required to file the ~~disclosure~~
868 statement.

869 (i) ~~(h)~~ The notification requirements and fines of this
870 subsection do not apply to candidates or to the first or final
871 filing required of any state officer, specified employee, or
872 local officer as provided in paragraph (2) (b).

873 (j) ~~(i)~~ Notwithstanding any provision of chapter 120, any
874 fine imposed under this subsection which is not waived by final
875 order of the commission and which remains unpaid more than 60

876 days after the notice of payment due or more than 60 days after
877 the commission renders a final order on the appeal must be
878 submitted to the Department of Financial Services as a claim,
879 debt, or other obligation owed to the state, and the department
880 shall assign the collection of such a fine to a collection agent
881 as provided in s. 17.20.

882 (9)~~(8)~~(a) The appointing official or body shall notify
883 each newly appointed local officer, state officer, or specified
884 state employee, not later than the date of appointment, of the
885 officer's or employee's duty to comply with the disclosure
886 requirements of this section. The agency head of each employing
887 agency shall notify each newly employed local officer or
888 specified state employee, not later than the day of employment,
889 of the officer's or employee's duty to comply with the
890 disclosure requirements of this section. The appointing official
891 or body or employing agency head may designate a person to be
892 responsible for the notification requirements of this paragraph.

893 (b) The agency head of the agency of each local officer,
894 state officer, or specified state employee who is required to
895 file a statement of financial interests for the final disclosure
896 period shall notify such persons of their obligation to file the
897 final statement ~~disclosure~~ and may designate a person to be
898 responsible for the notification requirements of this paragraph.

899 (c) If a person holding public office or public employment
900 fails or refuses to file an annual statement of financial

901 interests for any year in which the person received notice from
902 the commission regarding the failure to file and has accrued the
903 maximum automatic fine authorized under this section, regardless
904 of whether the fine imposed was paid or collected, the
905 commission shall initiate an investigation and conduct a public
906 hearing without receipt of a complaint to determine whether the
907 person's failure to file is willful. Such investigation and
908 hearing must be conducted in accordance with s. 112.324. Except
909 as provided in s. 112.324(4), if the commission determines that
910 the person willfully failed to file a statement of financial
911 interests, the commission shall enter an order recommending that
912 the officer or employee be removed from his or her public office
913 or public employment. The commission shall forward its
914 recommendation as provided in s. 112.324.

915 (10)-(9) A public officer who has filed a statement
916 ~~disclosure~~ for any calendar or fiscal year shall not be required
917 to file a second statement ~~disclosure~~ for the same year or any
918 part thereof, notwithstanding any requirement of this act,
919 except that any public officer who qualifies as a candidate for
920 public office shall file a copy of the statement ~~disclosure~~ with
921 the officer before whom he or she qualifies as a candidate at
922 the time of qualification.

923 (11)-(10)(a) The commission shall treat an amendment to an
924 ~~amended~~ annual statement of financial interests which is filed
925 before September 1 of the year in which the statement is due as

926 part of the original filing, regardless of whether a complaint
927 has been filed. If a complaint alleges only an immaterial,
928 inconsequential, or de minimis error or omission, the commission
929 may not take any action on the complaint other than notifying
930 the filer of the complaint. The filer must be given 30 days to
931 file an amendment to the ~~amended~~ statement of financial
932 interests correcting any errors. If the filer does not file an
933 amendment to the ~~amended~~ statement of financial interests within
934 30 days after the commission sends notice of the complaint, the
935 commission may continue with proceedings pursuant to s. 112.324.

936 (b) For purposes of the final statement of financial
937 interests, the commission shall treat an amendment to a ~~new~~
938 final statement of financial interests as part of the original
939 filing, if filed within 60 days of the original filing
940 regardless of whether a complaint has been filed. If, more than
941 60 days after a final statement of financial interests is filed,
942 a complaint is filed alleging a complete omission of any
943 information required to be disclosed by this section, the
944 commission may immediately follow the complaint procedures in s.
945 112.324. However, if the complaint alleges an immaterial,
946 inconsequential, or de minimis error or omission, the commission
947 may not take any action on the complaint other than notifying
948 the filer of the complaint. The filer must be given 30 days to
949 file an amendment to the ~~a new~~ final statement of financial
950 interests correcting any errors. If the filer does not file an

951 amendment to the a~~new~~ final statement of financial interests
952 within 30 days after the commission sends notice of the
953 complaint, the commission may continue with proceedings pursuant
954 to s. 112.324.

955 (c) For purposes of this section, an error or omission is
956 immaterial, inconsequential, or de minimis if the original
957 filing provided sufficient information for the public to
958 identify potential conflicts of interest. However, failure to
959 certify completion of annual ethics training required under s.
960 112.3142 does not constitute an immaterial, inconsequential, or
961 de minimis error or omission.

962 (12)~~(11)~~(a) An individual required to file a statement
963 ~~disclosure~~ pursuant to this section may have the statement
964 ~~disclosure~~ prepared by an attorney in good standing with The
965 Florida Bar or by a certified public accountant licensed under
966 chapter 473. After preparing a statement ~~disclosure~~ form, the
967 attorney or certified public accountant must sign the form
968 indicating that he or she prepared the form in accordance with
969 this section and the instructions for completing and filing the
970 statement ~~disclosure~~ forms and that, upon his or her reasonable
971 knowledge and belief, the statement ~~disclosure~~ is true and
972 correct. If a complaint is filed alleging a failure to disclose
973 information required by this section, the commission shall
974 determine whether the information was disclosed to the attorney
975 or certified public accountant. The failure of the attorney or

976 certified public accountant to accurately transcribe information
 977 provided by the individual who is required to file the statement
 978 ~~disclosure~~ does not constitute a violation of this section.

979 (b) An elected officer or candidate who chooses to use an
 980 attorney or a certified public accountant to prepare his or her
 981 statement disclosure may pay for the services of the attorney or
 982 certified public accountant from funds in an office account
 983 created pursuant to s. 106.141 or, during a year that the
 984 individual qualifies for election to public office, the
 985 candidate's campaign depository pursuant to s. 106.021.

986 (13)~~(12)~~ The commission shall adopt rules and forms
 987 specifying how a state officer, local officer, or specified
 988 state employee may amend his or her statement of financial
 989 interests to report information that was not included on the
 990 form as originally filed. If the amendment is the subject of a
 991 complaint filed under this part, the commission and the proper
 992 disciplinary official or body shall consider as a mitigating
 993 factor when considering appropriate disciplinary action the fact
 994 that the amendment was filed before any complaint or other
 995 inquiry or proceeding, while recognizing that the public was
 996 deprived of access to information to which it was entitled.

997 Section 5. Section 112.31455, Florida Statutes, is amended
 998 to read:

999 112.31455 Collection methods for unpaid automatic fines
 1000 for failure to timely file disclosure of financial interests.—

1001 (1) Before referring any unpaid fine accrued pursuant to
 1002 s. 112.3144(7) or s. 112.3145(8) ~~s. 112.3144(5) or s.~~
 1003 ~~112.3145(7)~~ to the Department of Financial Services, the
 1004 commission shall attempt to determine whether the individual
 1005 owing such a fine is a current public officer or current public
 1006 employee. If so, the commission may notify the Chief Financial
 1007 Officer or the governing body of the appropriate county,
 1008 municipality, or special district of the total amount of any
 1009 fine owed to the commission by such individual.

1010 (a) After receipt and verification of the notice from the
 1011 commission, the Chief Financial Officer or the governing body of
 1012 the county, municipality, or special district shall begin
 1013 withholding the lesser of 10 percent or the maximum amount
 1014 allowed under federal law from any salary-related payment. The
 1015 withheld payments shall be remitted to the commission until the
 1016 fine is satisfied.

1017 (b) The Chief Financial Officer or the governing body of
 1018 the county, municipality, or special district may retain an
 1019 amount of each withheld payment, as provided in s. 77.0305, to
 1020 cover the administrative costs incurred under this section.

1021 (2) If the commission determines that the individual who
 1022 is the subject of an unpaid fine accrued pursuant to s.
 1023 112.3144(7) or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~
 1024 is no longer a public officer or public employee or if the
 1025 commission is unable to determine whether the individual is a

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1026 current public officer or public employee, the commission may, 6
1027 months after the order becomes final, seek garnishment of any
1028 wages to satisfy the amount of the fine, or any unpaid portion
1029 thereof, pursuant to chapter 77. Upon recording the order
1030 imposing the fine with the clerk of the circuit court, the order
1031 shall be deemed a judgment for purposes of garnishment pursuant
1032 to chapter 77.

1033 (3) The commission may refer unpaid fines to the
1034 appropriate collection agency, as directed by the Chief
1035 Financial Officer, to utilize any collection methods provided by
1036 law. Except as expressly limited by this section, any other
1037 collection methods authorized by law are allowed.

1038 (4) Action may be taken to collect any unpaid fine imposed
1039 by ss. 112.3144 and 112.3145 within 20 years after the date the
1040 final order is rendered.

1041 Section 6. Except as otherwise expressly provided in this
1042 act, this act shall take effect upon becoming a law.