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Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

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 minimum
6 requirements for such system; providing duties for
7 units of government, the commission, and persons
8 required to file specified financial disclosure forms;
9 authorizing the extension of the financial disclosure
10 filing deadline under certain circumstances; amending
11 s. 112.312, F.S.; revising the definition of the term
12 "disclosure period"; amending s. 112.3144, F.S.;
13 requiring the electronic filing of full and public
14 disclosures of financial interests beginning on a
15 specified date; providing procedures for the filing of
16 a full and public disclosure for purposes of candidate
17 qualifying; revising requirements with respect to
18 reporting income; prohibiting the commission from
19 requesting, accepting, or retaining certain
20 information; prohibiting a filer from including
21 certain information in a full and public disclosure;
22 providing for the redaction of protected information
23 if certain conditions are met; prescribing the form of
24 a notice for the commission to post in the
25 instructions for the electronic filing system;
26 modifying requirements regarding preparation of the
27 list of reporting persons; requiring electronic



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28 delivery for certain notices; requiring the commission
29 to provide certain verification to a filer upon
30 request; requiring a declaration be submitted with a
31 disclosure; specifying that certain actions do not
32 constitute an unusual circumstance when appealing or
33 disputing a fine; revising a schedule to the State
34 Constitution; amending s. 112.3145, F.S.; revising the
35 definition of the term "specified state employee";
36 providing procedures for the filing of a statement of
37 financial interests for purposes of candidate
38 qualifying; requiring the electronic filing of
39 statements of financial interests beginning on a
40 specified date; modifying the options for reporting
41 thresholds on a statement of financial interests;
42 prohibiting the commission from requesting, accepting,
43 or retaining certain information; prohibiting a filer
44 from including certain information in a statement of
45 financial interests; providing for the redaction of
46 protected information if certain conditions are met;
47 prescribing the form of a notice for the commission to
48 post in the instructions for the electronic filing
49 system; modifying requirements regarding preparation
50 of the list of reporting persons; requiring electronic
51 delivery for certain notices; requiring the commission
52 to provide certain verification to a filer upon
53 request; requiring a declaration be submitted with a
54 statement; specifying that certain actions do not
55 constitute an unusual circumstance when appealing or
56 disputing a fine; amending s. 112.31455, F.S.;



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57 conforming cross-references to changes made by the
58 act; providing effective dates.

59

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

61

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

64 112.31446 Electronic filing system for financial
65 disclosure.—

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

67 (a) "Disclosure of financial interests" or "disclosure"
68 includes a full and public disclosure of financial interests and
69 a final full and public disclosure of financial interests, and
70 any amendments thereto.

71 (b) "Electronic filing system" means an Internet-based
72 system for receiving, reporting, and publishing disclosures of
73 financial interests, statements of financial interests, or any
74 other form that is required under s. 112.3144 or s. 112.3145.

75 (c) "Statement of financial interests" or "statement"
76 includes a statement of financial interests and a final
77 statement of financial interests, and any amendments thereto.

78 (2) By January 1, 2022, the commission shall procure and
79 test an electronic filing system. At a minimum, the electronic
80 filing system must:

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

85 (b) Make filings available in searchable format that is



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86 accessible by an individual using standard Internet-browsing
87 software.

88 (c) Issue a verification or receipt that the commission has
89 received the submitted disclosure or statement.

90 (d) Provide security that prevents unauthorized access to
91 the electronic filing system's functions or data.

92 (e) Provide a method for an attorney or a certified public
93 accountant licensed in this state to complete the disclosure or
94 statement and certify that he or she prepared the disclosure or
95 statement in accordance with s. 112.3144 or s. 112.3145 and the
96 instructions for completing the disclosure or statement, and
97 that, upon his or her reasonable knowledge and belief, the
98 information on the disclosure or statement is true and correct.

99 (3) Each unit of government shall provide an e-mail address
100 to any of its officers, members, or employees who must file a
101 disclosure of financial interests or a statement of financial
102 interests, and provide such e-mail addresses to the commission
103 by February 1 of each year. A person required to file a
104 disclosure of financial interests or statement of financial
105 interests must inform the commission immediately of any change
106 in his or her e-mail address.

107 (4) The commission shall provide each person required to
108 file a disclosure of financial interests or statement of
109 financial interests a secure log-in to the electronic filing
110 system. Such person is responsible for protecting his or her
111 secure log-in credentials from disclosure and is responsible for
112 all filings submitted to the commission with such credentials,
113 unless the person has notified the commission that his or her
114 credentials have been compromised.



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115 (5) If the electronic filing system is inoperable and
116 prevents timely submission of disclosures of financial interests
117 or statements of financial interests, as determined by the
118 commission chair, or if the Governor has declared a state of
119 emergency and a person required to submit a disclosure resides
120 in an area included in the state of emergency and is prevented
121 from submitting the disclosure electronically, the commission
122 chair must extend the filing deadline for submission by such
123 persons of disclosures or statements by either the same period
124 of time for which the system was deemed inoperable or by 90 days
125 for persons who reside in an area included in a state of
126 emergency, whichever is applicable.

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

129 112.312 Definitions.—As used in this part and for purposes
130 of the provisions of s. 8, Art. II of the State Constitution,
131 unless the context otherwise requires:

132 (10) "Disclosure period" means the calendar taxable year,
133 if disclosure is required for the entire year, or the portion of
134 a calendar year ending with the last day of the period for which
135 disclosure is required for the person or business entity,
136 ~~whether based on a calendar or fiscal year, immediately~~
137 ~~preceding the date on which, or the last day of the period~~
138 ~~during which, the financial disclosure statement required by~~
139 ~~this part is required to be filed.~~

140 Section 3. Section 112.3144, Florida Statutes, is amended
141 to read:

142 112.3144 Full and public disclosure of financial
143 interests.—



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144 (1) An officer who is required by s. 8, Art. II of the
145 State Constitution to file a full and public disclosure of his
146 or her financial interests for any calendar or fiscal year, or
147 any other person required by law to file a disclosure under this
148 section, shall file that disclosure with the Florida Commission
149 on Ethics. Additionally, ~~beginning January 1, 2015,~~ an officer
150 who is required to complete annual ethics training pursuant to
151 s. 112.3142 must certify on his or her full and public
152 disclosure of financial interests that he or she has completed
153 the required training.

154 (2) Beginning January 1, 2022, a full and public disclosure
155 of financial interests and a final full and public disclosure of
156 financial interests, and amendments thereto, or any other form
157 required by this section, must be filed electronically with the
158 Commission through an electronic filing system created and
159 maintained by the commission as provided in s. 112.31446.

160 (3) A person who is required, pursuant to s. 8, Art. II of
161 the State Constitution, to file a full and public disclosure of
162 financial interests and who has filed a full and public
163 disclosure of financial interests for any calendar or fiscal
164 year shall not be required to file a statement of financial
165 interests pursuant to s. 112.3145(2) and (3) for the same year
166 or for any part thereof notwithstanding any requirement of this
167 part. Until the electronic filing system required by subsection
168 (2) is implemented, if an incumbent in an elective office has
169 filed the full and public disclosure of financial interests to
170 qualify for election to the same office or if a candidate for
171 office holds another office subject to the annual filing
172 requirement, the qualifying officer shall forward an electronic



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173 copy of the full and public disclosure of financial interests to
174 the commission no later than July 1. The electronic copy of the
175 full and public disclosure of financial interests satisfies the
176 annual disclosure requirement of this section. A candidate who
177 does not qualify until after the annual full and public
178 disclosure of financial interests has been filed pursuant to
179 this section shall file a copy of his or her disclosure with the
180 officer before whom he or she qualifies.

181 (4) Beginning January 1, 2022, an incumbent in an elective
182 office or a candidate holding another position subject to an
183 annual filing requirement may submit either a copy of the
184 disclosure filed with the Commission, or a verification or
185 receipt of the filing or submission, with the officer before
186 whom they qualify. A candidate not subject to an annual filing
187 requirement does not file with the commission, but may complete
188 and print a full and public disclosure of financial interests to
189 file with the officer before whom he or she qualifies.

190 (5)~~(3)~~ For purposes of full and public disclosure under s.
191 8(a), Art. II of the State Constitution, the following items, if
192 not held for investment purposes and if valued at over \$1,000 in
193 the aggregate, may be reported in a lump sum and identified as
194 "household goods and personal effects":

- 195 (a) Jewelry;
- 196 (b) Collections of stamps, guns, and numismatic properties;
- 197 (c) Art objects;
- 198 (d) Household equipment and furnishings;
- 199 (e) Clothing;
- 200 (f) Other household items; and
- 201 (g) Vehicles for personal use.



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202 (6) (a) ~~(4) (a)~~ With respect to reporting, on forms prescribed
203 under this section, assets valued in excess of \$1,000 which the
204 reporting individual holds jointly with another person, the
205 amount reported shall be based on the reporting individual's
206 legal percentage of ownership in the property. However, assets
207 that are held jointly, with right of survivorship, must be
208 reported at 100 percent of the value of the asset. For purposes
209 of this subsection, a reporting individual is deemed to own a
210 percentage of a partnership which is equal to the reporting
211 individual's interest in the capital or equity of the
212 partnership.

213 (b)1. With respect to reporting, on forms prescribed under
214 this section, liabilities valued in excess of \$1,000 ~~on forms~~
215 ~~prescribed under this section~~ for which the reporting individual
216 is jointly and severally liable, the amount reported shall be
217 based on the reporting individual's percentage of liability
218 rather than the total amount of the liability. However,
219 liability for a debt that is secured by property owned by the
220 reporting individual but that is held jointly, with right of
221 survivorship, must be reported at 100 percent of the total
222 amount owed.

223 2. A separate section of the form shall be created to
224 provide for the reporting of the amounts of joint and several
225 liability of the reporting individual not otherwise reported in
226 subparagraph 1.

227 (c) With respect to reporting income, on forms prescribed
228 under this section, each separate source and amount of income
229 which exceeds \$1,000 must be identified. A federal income tax
230 return may not be used for purposes of reporting income, and the



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231 commission may not accept a federal income tax return or a copy
232 thereof.

233 (7) (a) The commission may not request, in any filing or
234 submission, a federal income tax return, or a copy thereof; a
235 social security number; a bank, mortgage, or brokerage account
236 number; a debit, charge, or credit card number; a personal
237 identification number; a taxpayer identification number; or any
238 other personal or account information that is legally protected
239 from disclosure under state or federal law.

240 (b) Beginning January 1, 2022, a public officer, a
241 candidate, or any other person may not include in a filing or
242 submission to the commission any of the information specified in
243 paragraph (a). If a public officer, a candidate, or other person
244 includes such information in his or her filing or submission,
245 the information may be made available as part of the official
246 records of the commission available for public inspection and
247 copying unless redaction is requested by the filer. The
248 commission is not liable for the release of social security
249 numbers or bank account, debit, charge, or credit card numbers
250 that are included on a filing or submission to the commission if
251 the holder has not requested redaction of the information.

252 (c) The commission shall redact a filer's social security
253 number; bank, mortgage, or brokerage account number; debit,
254 charge, or credit card number; or any other personal or account
255 information that is legally protected from disclosure under
256 state or federal law upon written notification from the filer of
257 its inadvertent inclusion. Such notice must specify the
258 information inadvertently included and the specific section or
259 sections of the disclosure in which it was included.



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260 (d) The commission must conspicuously post a notice, in
261 substantially the following form, in the instructions for the
262 electronic filing system specifying that:

263 1. Any person submitting information through the electronic
264 filing system may not include a social security number or a bank
265 account, debit, charge, or credit card number in any filing or
266 submission unless required by law.

267 2. All information submitted through the electronic filing
268 system may be open to public inspection and copying.

269 3. Any filer has a right to request the commission to
270 remove from his or her filing or submission any social security
271 number or bank, mortgage, or brokerage account number contained
272 in the submission. Such request must be made in writing and
273 delivered by mail or electronic transmission or in person to the
274 commission. The request must specify the information to be
275 redacted and the specific section or sections of the disclosure
276 in which it was included.

277 (8)-(5) Forms or fields of information for compliance with
278 the full and public disclosure requirements of s. 8, Art. II of
279 the State Constitution shall be prescribed ~~created~~ by the
280 commission ~~on Ethics~~. The commission shall give notice of
281 disclosure deadlines and delinquencies and distribute forms in
282 the following manner:

283 (a) Not later than May 1 of each year, the commission shall
284 prepare a current list of the names, e-mail addresses, and
285 physical addresses of and the offices held by every person
286 required to file full and public disclosure annually by s. 8,
287 Art. II of the State Constitution, or other state law. ~~It~~
288 ~~compiling the list, the commission shall be assisted by~~ Each



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289 unit of government shall assist the commission in compiling the
290 list by ~~in~~ providing to the commission not later than February 1
291 of each year at the request of the commission the name, e-mail
292 address, physical address, and name of the office held by such
293 person ~~each public official~~ within the respective unit of
294 government as of December 31 of the preceding year.

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

301 (c) Not later than August 1 ~~30 days after July 1~~ of each
302 year, the commission shall determine which persons on the
303 ~~mailing~~ list have failed to file full and public disclosure and
304 shall send delinquency notices ~~by certified mail~~ to such
305 persons. Each notice must ~~shall~~ state that a grace period is in
306 effect until September 1 of the current year. Beginning January
307 1, 2022, the notice required under this paragraph must be
308 delivered by e-mail or other electronic means and must be
309 redelivered on a weekly basis so long as a person remains
310 delinquent.

311 (d) Disclosures ~~Statements~~ must be received by the
312 commission ~~filed~~ not later than 5 p.m. of the due date. However,
313 any disclosure ~~statement~~ that is postmarked by the United States
314 Postal Service by midnight of the due date is deemed to have
315 been filed in a timely manner, and a certificate of mailing
316 obtained from and dated by the United States Postal Service at
317 the time of the mailing, or a receipt from an established



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318 courier company which bears a date on or before the due date,
319 constitutes proof of mailing in a timely manner. Beginning
320 January 1, 2022, upon request of the filer, the commission must
321 provide verification to the filer that the commission has
322 received the submitted disclosure.

323 (e) Beginning January 1, 2022, a written declaration, as
324 provided for under s. 92.525(2), accompanied by an electronic
325 signature satisfies the requirement that the disclosure be
326 sworn.

327 (f) Any person who is required to file full and public
328 disclosure of financial interests and whose name is on the
329 commission's ~~mailing~~ list, and to whom notice has been sent, but
330 who fails to timely file is assessed a fine of \$25 per day for
331 each day late up to a maximum of \$1,500; however this \$1,500
332 limitation on automatic fines does not limit the civil penalty
333 that may be imposed if the statement is filed more than 60 days
334 after the deadline and a complaint is filed, as provided in s.
335 112.324. The commission must provide by rule the grounds for
336 waiving the fine and the procedures by which each person whose
337 name is on the ~~mailing~~ list and who is determined to have not
338 filed in a timely manner will be notified of assessed fines and
339 may appeal. The rule must provide for and make specific the
340 following:

341 1. The amount of the fine due is based upon the earliest of
342 the following:

- 343 a. When a statement is actually received by the office.
344 b. When the statement is postmarked.
345 c. When the certificate of mailing is dated.
346 d. When the receipt from an established courier company is



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347 dated.

348 2. Upon receipt of the disclosure statement or upon accrual
349 of the maximum penalty, whichever occurs first, the commission
350 shall determine the amount of the fine which is due and shall
351 notify the delinquent person. The notice must include an
352 explanation of the appeal procedure under subparagraph 3. Such
353 fine must be paid within 30 days after the notice of payment due
354 is transmitted, unless appeal is made to the commission pursuant
355 to subparagraph 3. The moneys shall be deposited into the
356 General Revenue Fund.

357 3. Any reporting person may appeal or dispute a fine, based
358 upon unusual circumstances surrounding the failure to file on
359 the designated due date, and may request and is entitled to a
360 hearing before the commission, which may waive the fine in whole
361 or in part for good cause shown. Any such request must be in
362 writing and received by the commission ~~made~~ within 30 days after
363 the notice of payment due is transmitted. In such a case, the
364 reporting person must, within the 30-day period, notify the
365 person designated to review the timeliness of reports in writing
366 of his or her intention to bring the matter before the
367 commission. For purposes of this subparagraph, the term "unusual
368 circumstances" does not include the failure to monitor an e-mail
369 account or failure to receive notice if the person has not
370 notified the commission of a change in his or her e-mail
371 address.

372 (g) ~~(f)~~ Any person subject to the annual filing of full and
373 public disclosure under s. 8, Art. II of the State Constitution,
374 or other state law, whose name is not on the commission's
375 ~~mailing~~ list of persons required to file full and public



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376 disclosure is not subject to the fines or penalties provided in
377 this part for failure to file full and public disclosure in any
378 year in which the omission occurred, but nevertheless is
379 required to file the disclosure statement.

380 (h)~~(g)~~ The notification requirements and fines of this
381 subsection do not apply to candidates or to the first filing
382 required of any person appointed to elective constitutional
383 office or other position required to file full and public
384 disclosure, unless the person's name is on the commission's
385 notification list and the person received notification from the
386 commission. The appointing official shall notify such newly
387 appointed person of the obligation to file full and public
388 disclosure by July 1. The notification requirements and fines of
389 this subsection do not apply to the final filing provided for in
390 subsection (10) ~~(7)~~.

391 (i)~~(h)~~ Notwithstanding any provision of chapter 120, any
392 fine imposed under this subsection which is not waived by final
393 order of the commission and which remains unpaid more than 60
394 days after the notice of payment due or more than 60 days after
395 the commission renders a final order on the appeal must be
396 submitted to the Department of Financial Services as a claim,
397 debt, or other obligation owed to the state, and the department
398 shall assign the collection of such fine to a collection agent
399 as provided in s. 17.20.

400 (9)~~(6)~~ If a person holding public office or public
401 employment fails or refuses to file a full and public disclosure
402 of financial interests for any year in which the person received
403 notice from the commission regarding the failure to file and has
404 accrued the maximum automatic fine authorized under this



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405 section, regardless of whether the fine imposed was paid or
406 collected, the commission shall initiate an investigation and
407 conduct a public hearing without receipt of a complaint to
408 determine whether the person's failure to file is willful. Such
409 investigation and hearing must be conducted in accordance with
410 s. 112.324. Except as provided in s. 112.324(4), if the
411 commission determines that the person willfully failed to file a
412 full and public disclosure of financial interests, the
413 commission shall enter an order recommending that the officer or
414 employee be removed from his or her public office or public
415 employment. The commission shall forward its recommendations as
416 provided in s. 112.324.

417 (10)~~(7)~~ Each person required to file full and public
418 disclosure of financial interests shall file a final disclosure
419 statement within 60 days after leaving his or her public
420 position for the period between January 1 of the year in which
421 the person leaves and the last day of office or employment,
422 unless within the 60-day period the person takes another public
423 position requiring financial disclosure under s. 8, Art. II of
424 the State Constitution, or is otherwise required to file full
425 and public disclosure for the final disclosure period. The head
426 of the agency of each person required to file full and public
427 disclosure for the final disclosure period shall notify such
428 persons of their obligation to file the final disclosure and may
429 designate a person to be responsible for the notification
430 requirements of this subsection.

431 (11) (a)~~(8) (a)~~ The commission shall treat an amendment to a
432 ~~amended~~ full and public disclosure of financial interests which
433 is filed before September 1 of the year in which the disclosure



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434 is due as part of the original filing, regardless of whether a
435 complaint has been filed. If a complaint alleges only an
436 immaterial, inconsequential, or de minimis error or omission,
437 the commission may not take any action on the complaint other
438 than notifying the filer of the complaint. The filer must be
439 given 30 days to file an amendment to the ~~amended~~ full and
440 public disclosure of financial interests correcting any errors.
441 If the filer does not file an amendment to the ~~amended~~ full and
442 public disclosure of financial interests within 30 days after
443 the commission sends notice of the complaint, the commission may
444 continue with proceedings pursuant to s. 112.324.

445 (b) For purposes of the final full and public disclosure of
446 financial interests, the commission shall treat an amendment to
447 a new final full and public disclosure of financial interests as
448 part of the original filing if filed within 60 days after the
449 original filing, regardless of whether a complaint has been
450 filed. If, more than 60 days after a final full and public
451 disclosure of financial interests is filed, a complaint is filed
452 alleging a complete omission of any information required to be
453 disclosed by this section, the commission may immediately follow
454 the complaint procedures in s. 112.324. However, if the
455 complaint alleges an immaterial, inconsequential, or de minimis
456 error or omission, the commission may not take any action on the
457 complaint, other than notifying the filer of the complaint. The
458 filer must be given 30 days to file an amendment to the ~~a~~ new
459 final full and public disclosure of financial interests
460 correcting any errors. If the filer does not file an amendment
461 to the ~~a~~ new final full and public disclosure of financial
462 interests within 30 days after the commission sends notice of



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463 the complaint, the commission may continue with proceedings
464 pursuant to s. 112.324.

465 (c) For purposes of this section, an error or omission is
466 immaterial, inconsequential, or de minimis if the original
467 filing provided sufficient information for the public to
468 identify potential conflicts of interest. However, failure to
469 certify completion of annual ethics training required under s.
470 112.3142 does not constitute an immaterial, inconsequential, or
471 de minimis error or omission.

472 (12) (a) ~~(9) (a)~~ An individual required to file a disclosure
473 pursuant to this section may have the disclosure prepared by an
474 attorney in good standing with The Florida Bar or by a certified
475 public accountant licensed under chapter 473. After preparing a
476 disclosure form, the attorney or certified public accountant
477 must sign the form indicating that he or she prepared the form
478 in accordance with this section and the instructions for
479 completing and filing the disclosure forms and that, upon his or
480 her reasonable knowledge and belief, the disclosure is true and
481 correct. If a complaint is filed alleging a failure to disclose
482 information required by this section, the commission shall
483 determine whether the information was disclosed to the attorney
484 or certified public accountant. The failure of the attorney or
485 certified public accountant to accurately transcribe information
486 provided by the individual required to file is not a violation
487 of this section.

488 (b) An elected officer or candidate who chooses to use an
489 attorney or a certified public accountant to prepare his or her
490 disclosure may pay for the services of the attorney or certified
491 public accountant from funds in an office account created



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492 pursuant to s. 106.141 or, during a year that the individual
493 qualifies for election to public office, the candidate's
494 campaign depository pursuant to s. 106.021.

495 (13)~~(10)~~ The commission shall adopt rules and forms
496 specifying how a person who is required to file full and public
497 disclosure of financial interests may amend his or her
498 disclosure statement to report information that was not included
499 on the form as originally filed. If the amendment is the subject
500 of a complaint filed under this part, the commission and the
501 proper disciplinary official or body shall consider as a
502 mitigating factor when considering appropriate disciplinary
503 action the fact that the amendment was filed before any
504 complaint or other inquiry or proceeding, while recognizing that
505 the public was deprived of access to information to which it was
506 entitled.

507 (14) The provisions of this section constitute a revision
508 to the schedule included in s. 8(i), Art. II of the State
509 Constitution.

510 Section 4. Section 112.3145, Florida Statutes, is amended
511 to read:

512 112.3145 Disclosure of financial interests and clients
513 represented before agencies.—

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

516 (a) "Local officer" means:

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

520 2. Any appointed member of any of the following boards,



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521 councils, commissions, authorities, or other bodies of any
522 county, municipality, school district, independent special
523 district, or other political subdivision of the state:

524 a. The governing body of the political subdivision, if
525 appointed;

526 b. A community college or junior college district board of
527 trustees;

528 c. A board having the power to enforce local code
529 provisions;

530 d. A planning or zoning board, board of adjustment, board
531 of appeals, community redevelopment agency board, or other board
532 having the power to recommend, create, or modify land planning
533 or zoning within the political subdivision, except for citizen
534 advisory committees, technical coordinating committees, and such
535 other groups who only have the power to make recommendations to
536 planning or zoning boards;

537 e. A pension board or retirement board having the power to
538 invest pension or retirement funds or the power to make a
539 binding determination of one's entitlement to or amount of a
540 pension or other retirement benefit; or

541 f. Any other appointed member of a local government board
542 who is required to file a statement of financial interests by
543 the appointing authority or the enabling legislation, ordinance,
544 or resolution creating the board.

545 3. Any person holding one or more of the following
546 positions: mayor; county or city manager; chief administrative
547 employee of a county, municipality, or other political
548 subdivision; county or municipal attorney; finance director of a
549 county, municipality, or other political subdivision; chief



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550 county or municipal building code inspector; county or municipal
551 water resources coordinator; county or municipal pollution
552 control director; county or municipal environmental control
553 director; county or municipal administrator, with power to grant
554 or deny a land development permit; chief of police; fire chief;
555 municipal clerk; district school superintendent; community
556 college president; district medical examiner; or purchasing
557 agent having the authority to make any purchase exceeding the
558 threshold amount provided for in s. 287.017 for CATEGORY TWO
559 ~~ONE~~, on behalf of any political subdivision of the state or any
560 entity thereof.

561 (b) "Specified state employee" means:

562 1. Public counsel created by chapter 350, an assistant
563 state attorney, an assistant public defender, a criminal
564 conflict and civil regional counsel, an assistant criminal
565 conflict and civil regional counsel, a full-time state employee
566 who serves as counsel or assistant counsel to any state agency,
567 ~~the Deputy Chief Judge of Compensation Claims, a judge of~~
568 ~~compensation claims,~~ an administrative law judge, or a hearing
569 officer.

570 2. Any person employed in the office of the Governor or in
571 the office of any member of the Cabinet if that person is exempt
572 from the Career Service System, except persons employed in
573 clerical, secretarial, or similar positions.

574 3. The State Surgeon General or each appointed secretary,
575 assistant secretary, deputy secretary, executive director,
576 assistant executive director, or deputy executive director of
577 each state department, commission, board, or council; unless
578 otherwise provided, the division director, assistant division



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579 director, deputy director, and bureau chief, ~~and assistant~~
580 ~~bureau chief~~ of any state department or division; or any person
581 having the power normally conferred upon such persons, by
582 whatever title.

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

588 5. Business managers, purchasing agents having the power to
589 make any purchase exceeding the threshold amount provided for in
590 s. 287.017 for CATEGORY TWO ~~ONE~~, finance and accounting
591 directors, personnel officers, or grants coordinators for any
592 state agency.

593 6. Any person, other than a legislative assistant exempted
594 by the presiding officer of the house by which the legislative
595 assistant is employed, who is employed in the legislative branch
596 of government, except persons employed in maintenance, clerical,
597 secretarial, or similar positions.

598 7. Each employee of the Commission on Ethics.

599 (c) "State officer" means:

600 1. Any elected public officer, excluding those elected to
601 the United States Senate and House of Representatives, not
602 covered elsewhere in this part and any person who is appointed
603 to fill a vacancy for an unexpired term in such an elective
604 office.

605 2. An appointed member of each board, commission,
606 authority, or council having statewide jurisdiction, excluding a
607 member of an advisory body.



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608 3. A member of the Board of Governors of the State
609 University System or a state university board of trustees, the
610 Chancellor and Vice Chancellors of the State University System,
611 and the president of a state university.

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

614 (2) (a) A person seeking nomination or election to a state
615 or local elective office shall file a statement of financial
616 interests together with, and at the same time he or she files,
617 qualifying papers. When a candidate has qualified for office
618 prior to the deadline to file an annual statement of financial
619 interests, the statement of financial interests that is filed
620 with the candidate's qualifying papers shall be deemed to
621 satisfy the annual disclosure requirement of this section. The
622 qualifying officer must record that the statement of financial
623 interests was timely filed. However, if a candidate does not
624 qualify until after the annual statement of financial interests
625 has been filed, the candidate may file a copy of his or her
626 statement with the qualifying officer.

627 (b) Each state or local officer and each specified state
628 employee shall file a statement of financial interests no later
629 than July 1 of each year. Each state officer, local officer, and
630 specified state employee shall file a final statement of
631 financial interests within 60 days after leaving his or her
632 public position for the period between January 1 of the year in
633 which the person leaves and the last day of office or
634 employment, unless within the 60-day period the person takes
635 another public position requiring financial disclosure under
636 this section or s. 8, Art. II of the State Constitution or



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637 otherwise is required to file full and public disclosure or a
638 statement of financial interests for the final disclosure
639 period. Each state or local officer who is appointed and each
640 specified state employee who is employed shall file a statement
641 of financial interests within 30 days from the date of
642 appointment or, in the case of a specified state employee, from
643 the date on which the employment begins, except that any person
644 whose appointment is subject to confirmation by the Senate shall
645 file prior to confirmation hearings or within 30 days from the
646 date of appointment, whichever comes first.

647 (c) Beginning January 1, 2023, an incumbent in an elective
648 office or a candidate holding another position subject to an
649 annual filing requirement may submit either a copy of the
650 disclosure filed with the commission, or a verification or
651 receipt of the filing or submission, with the officer before
652 whom they qualify. A candidate not subject to an annual filing
653 requirement does not file with the commission, but may complete
654 and print a statement of financial interests to file with the
655 officer before whom he or she qualifies.

656 (d) State officers and specified state employees shall file
657 their statements of financial interests with the commission ~~on~~
658 ~~Ethics~~. Local officers shall file their statements of financial
659 interests with the supervisor of elections of the county in
660 which they permanently reside. Local officers who do not
661 permanently reside in any county in the state shall file their
662 statements of financial interests with the supervisor of
663 elections of the county in which their agency maintains its
664 headquarters. Persons seeking to qualify as candidates for local
665 public office shall file their statements of financial interests



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666 with the officer before whom they qualify.

667 (e) Beginning January 1, 2023, a statement of financial
668 interests and a final statement of financial interests, and
669 amendments thereto, or any other form required by this section
670 to be filed with the commission, must be filed electronically
671 through an electronic filing system created and maintained by
672 the commission as provided in s. 112.31446.

673 (3) The statement of financial interests for state
674 officers, specified state employees, local officers, and persons
675 seeking to qualify as candidates for state or local office shall
676 be filed even if the reporting person holds no financial
677 interests requiring disclosure in a particular category, in
678 which case that section of the statement shall be marked "not
679 applicable." Otherwise, the statement of financial interests
680 must shall include the information under paragraph (a) or
681 paragraph (b). The reporting person shall indicate on the
682 statement whether he or she is using the reporting method under
683 paragraph (a) or paragraph (b). However, beginning January 1,
684 2023, only the reporting method specified under paragraph (b)
685 may be used. , at the filer's option, either:

686 (a) 1. All sources of income in excess of 5 percent of the
687 gross income received during the disclosure period by the person
688 in his or her own name or by any other person for his or her use
689 or benefit, excluding public salary. However, this shall not be
690 construed to require disclosure of a business partner's sources
691 of income. The person reporting shall list such sources in
692 descending order of value with the largest source first;

693 2. All sources of income to a business entity in excess of
694 10 percent of the gross income of a business entity in which the



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695 reporting person held a material interest and from which he or
696 she received an amount which was in excess of 10 percent of his
697 or her gross income during the disclosure period and which
698 exceeds \$1,500. The period for computing the gross income of the
699 business entity is the fiscal year of the business entity which
700 ended on, or immediately prior to, the end of the disclosure
701 period of the person reporting;

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

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

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

719 2. All sources of income to a business entity in excess of
720 10 percent of the gross income of a business entity in which the
721 reporting person held a material interest and from which he or
722 she received gross income exceeding \$5,000 during the disclosure
723 period. The period for computing the gross income of the



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724 business entity is the fiscal year of the business entity which
725 ended on, or immediately prior to, the end of the disclosure
726 period of the person reporting;

727 3. The location or description of real property in this
728 state, except for residence and vacation homes, owned directly
729 or indirectly by the person reporting, when such person owns in
730 excess of 5 percent of the value of such real property, and a
731 general description of any intangible personal property worth in
732 excess of \$10,000. For the purpose of this paragraph, indirect
733 ownership does not include ownership by a spouse or minor child;
734 and

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

736
737 ~~A person filing a statement of financial interests shall~~
738 ~~indicate on the statement whether he or she is using the method~~
739 ~~specified in paragraph (a) or paragraph (b).~~

740 (4) (a) The commission may not request, in any filing or
741 submission, a federal income tax return, or a copy thereof; a
742 social security number; a bank, mortgage, or brokerage account
743 number; a debit, charge, or credit card number; a personal
744 identification number; a taxpayer identification number; or any
745 other personal or account information that is legally protected
746 from disclosure under state or federal law.

747 (b) Beginning January 1, 2022, a public officer, a
748 candidate, or any other person may not include in a filing or
749 submission to the commission any of the information specified in
750 paragraph (a). If a public officer, a candidate, or other person
751 includes such information, the information may be made available
752 as part of the official records of the commission available for



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753 public inspection and copying unless redaction is requested by
754 the filer. The commission is not liable for the release of
755 social security numbers, or bank account, debit, charge, or
756 credit card numbers, included on a filing or submission to the
757 commission if the holder has not requested redaction of the
758 information.

759 (c) The commission shall redact a filer's social security
760 number; bank, mortgage, or brokerage account number; debit,
761 charge, or credit card number; or any other personal or account
762 information that is legally protected from disclosure under
763 state or federal law upon written notification from the filer of
764 its inadvertent inclusion. Such notice must specify the
765 information inadvertently included and the specific section or
766 sections of the disclosure in which it was included.

767 (d) The commission must conspicuously post a notice, in
768 substantially the following form, in the instructions for the
769 electronic filing system specifying that:

770 1. Any person submitting information through the electronic
771 filing system may not include a social security number or a bank
772 account, debit, charge, or credit card number in any filing or
773 submission unless required by law.

774 2. All information submitted through the electronic filing
775 system may be open to public inspection and copying.

776 3. Any person has a right to request the commission to
777 remove from a filing or submission any social security number or
778 bank, mortgage, or brokerage account number contained in the
779 submission. Such request must be made in writing and delivered
780 by mail or electronic transmission or in person to the
781 commission. The request must specify the information to be



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782 redacted and the specific section or sections of the disclosure
783 in which it was included.

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

788 (6) ~~(5)~~ Each elected constitutional officer, state officer,
789 local officer, and specified state employee shall file a
790 quarterly report of the names of clients represented for a fee
791 or commission, except for appearances in ministerial matters,
792 before agencies at his or her level of government. For the
793 purposes of this part, agencies of government shall be
794 classified as state-level agencies or agencies below state
795 level. Each local officer shall file such report with the
796 supervisor of elections of the county in which the officer is
797 principally employed or is a resident. Each state officer,
798 elected constitutional officer, and specified state employee
799 shall file such report with the commission. The report shall be
800 filed only when a reportable representation is made during the
801 calendar quarter and shall be filed no later than the last day
802 of each calendar quarter, for the previous calendar quarter.
803 Representation before any agency shall be deemed to include
804 representation by such officer or specified state employee or by
805 any partner or associate of the professional firm of which he or
806 she is a member and of which he or she has actual knowledge. For
807 the purposes of this subsection, the term "representation before
808 any agency" does not include appearances before any court or the
809 Deputy Chief Judge of Compensation Claims or judges of
810 compensation claims or representations on behalf of one's agency



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811 in one's official capacity. Such term does not include the
812 preparation and filing of forms and applications merely for the
813 purpose of obtaining or transferring a license based on a quota
814 or a franchise of such agency or a license or operation permit
815 to engage in a profession, business, or occupation, so long as
816 the issuance or granting of such license, permit, or transfer
817 does not require substantial discretion, a variance, a special
818 consideration, or a certificate of public convenience and
819 necessity.

820 (7)~~(6)~~ Each elected constitutional officer and each
821 candidate for such office, any other public officer required
822 pursuant to s. 8, Art. II of the State Constitution to file a
823 full and public disclosure of his or her financial interests,
824 and each state officer, local officer, specified state employee,
825 and candidate for elective public office who is or was during
826 the disclosure period an officer, director, partner, proprietor,
827 or agent, other than a resident agent solely for service of
828 process, of, or owns or owned during the disclosure period a
829 material interest in, any business entity which is granted a
830 privilege to operate in this state shall disclose such facts as
831 a part of the disclosure form filed pursuant to s. 8, Art. II of
832 the State Constitution or this section, as applicable. The
833 statement shall give the name, address, and principal business
834 activity of the business entity and shall state the position
835 held with such business entity or the fact that a material
836 interest is owned and the nature of that interest.

837 (8)~~(7)~~ Forms for compliance with the disclosure
838 requirements of this section and a current list of persons
839 subject to disclosure shall be created by the commission and



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840 provided to each supervisor of elections. The commission and
841 each supervisor of elections shall give notice of disclosure
842 deadlines and delinquencies and distribute forms in the
843 following manner:

844 (a)1. Not later than May 1 of each year, the commission
845 shall prepare a current list of the names, e-mail addresses, and
846 physical addresses of, and the offices or positions held by,
847 every state officer, local officer, and specified employee. ~~In~~
848 ~~compiling the list, the commission shall be assisted by~~ Each
849 unit of government shall assist the commission in compiling the
850 list by ~~in~~ providing to the commission not later than February 1
851 of each year, ~~at the request of the commission,~~ the name, e-
852 mail address, physical address, and name of agency of, and the
853 office or position held by, each state officer, local officer,
854 or specified state employee within the respective unit of
855 government as of December 31 of the preceding year.

856 2. Not later than May 15 of each year, the commission shall
857 provide each supervisor of elections with a current ~~mailing~~ list
858 of all local officers required to file with such supervisor of
859 elections.

860 (b) Not later than June 1 ~~30 days before July 1~~ of each
861 year, the commission and each supervisor of elections, as
862 appropriate, shall distribute ~~mail~~ a copy of the form prescribed
863 for compliance with subsection (3) and a notice of all
864 applicable disclosure forms and filing deadlines to each person
865 required to file a statement of financial interests. Beginning
866 January 1, 2023, the notice required under this paragraph must
867 be delivered by e-mail or other electronic means.

868 (c) Not later than August 1 ~~30 days after July 1~~ of each



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869 year, the commission and each supervisor of elections shall
870 determine which persons required to file a statement of
871 financial interests in their respective offices have failed to
872 do so and shall send delinquency notices ~~by certified mail,~~
873 ~~return receipt requested,~~ to these persons. Each notice must
874 ~~shall~~ state that a grace period is in effect until September 1
875 of the current year; that no investigative or disciplinary
876 action based upon the delinquency will be taken by the agency
877 head or commission if the statement is filed by September 1 of
878 the current year; that, if the statement is not filed by
879 September 1 of the current year, a fine of \$25 for each day late
880 will be imposed, up to a maximum penalty of \$1,500; for notices
881 distributed sent by a supervisor of elections, that he or she is
882 required by law to notify the commission of the delinquency; and
883 that, if upon the filing of a sworn complaint the commission
884 finds that the person has failed to timely file the statement
885 within 60 days after September 1 of the current year, such
886 person will also be subject to the penalties provided in s.
887 112.317. Beginning January 1, 2023, the notice required under
888 this paragraph must be delivered by e-mail or other electronic
889 means and must be redelivered on a weekly basis so long as a
890 person remains delinquent.

891 (d) No later than November 15 of each year, the supervisor
892 of elections in each county shall certify to the commission a
893 list of the names and addresses of, and the offices or positions
894 held by, all persons who have failed to timely file the required
895 statements of financial interests. The certification must
896 include the earliest of the dates described in subparagraph
897 (g)1. ~~(f)1.~~ The certification shall be on a form prescribed by



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898 the commission and shall indicate whether the supervisor of
899 elections has provided the disclosure forms and notice as
900 required by this subsection to all persons named on the
901 delinquency list.

902 (e) Statements must be received by the commission ~~filed~~ not
903 later than 5 p.m. of the due date. However, any statement that
904 is postmarked by the United States Postal Service by midnight of
905 the due date is deemed to have been filed in a timely manner,
906 and a certificate of mailing obtained from and dated by the
907 United States Postal Service at the time of the mailing, or a
908 receipt from an established courier company which bears a date
909 on or before the due date, constitutes proof of mailing in a
910 timely manner. Beginning January 1, 2023, upon request of the
911 filer, the commission must provide verification to the filer
912 that the commission has received the submitted statement.

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

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



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927 manner will be notified of assessed fines and may appeal. The
928 rule must provide for and make specific the following:
929 1. The amount of the fine due is based upon the earliest of
930 the following:
931 a. When a statement is actually received by the office.
932 b. When the statement is postmarked.
933 c. When the certificate of mailing is dated.
934 d. When the receipt from an established courier company is
935 dated.
936 2. For a specified state employee or a state officer, upon
937 receipt of the disclosure statement by the commission or upon
938 accrual of the maximum penalty, whichever occurs first, and for
939 a local officer upon receipt by the commission of the
940 certification from the local officer's supervisor of elections
941 pursuant to paragraph (d), the commission shall determine the
942 amount of the fine which is due and shall notify the delinquent
943 person. The notice must include an explanation of the appeal
944 procedure under subparagraph 3. The fine must be paid within 30
945 days after the notice of payment due is transmitted, unless
946 appeal is made to the commission pursuant to subparagraph 3. The
947 moneys are to be deposited into the General Revenue Fund.
948 3. Any reporting person may appeal or dispute a fine, based
949 upon unusual circumstances surrounding the failure to file on
950 the designated due date, and may request and is entitled to a
951 hearing before the commission, which may waive the fine in whole
952 or in part for good cause shown. Any such request must be in
953 writing and received by the commission ~~made~~ within 30 days after
954 the notice of payment due is transmitted. In such a case, the
955 reporting person must, within the 30-day period, notify the



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956 person designated to review the timeliness of reports in writing
957 of his or her intention to bring the matter before the
958 commission. For purposes of this subparagraph, the term "unusual
959 circumstances" does not include the failure to monitor an e-mail
960 account or failure to receive notice if the person has not
961 notified the commission of a change in his or her e-mail
962 address.

963 (h) ~~(g)~~ Any state officer, local officer, or specified
964 employee whose name is not on the ~~mailing~~ list of persons
965 required to file an annual statement of financial interests is
966 not subject to the penalties provided in s. 112.317 or the fine
967 provided in this section for failure to timely file a statement
968 of financial interests in any year in which the omission
969 occurred, but nevertheless is required to file the disclosure
970 statement.

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

975 (j) ~~(i)~~ Notwithstanding any provision of chapter 120, any
976 fine imposed under this subsection which is not waived by final
977 order of the commission and which remains unpaid more than 60
978 days after the notice of payment due or more than 60 days after
979 the commission renders a final order on the appeal must be
980 submitted to the Department of Financial Services as a claim,
981 debt, or other obligation owed to the state, and the department
982 shall assign the collection of such a fine to a collection agent
983 as provided in s. 17.20.

984 (9) (a) ~~(8) (a)~~ The appointing official or body shall notify



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985 each newly appointed local officer, state officer, or specified
986 state employee, not later than the date of appointment, of the
987 officer's or employee's duty to comply with the disclosure
988 requirements of this section. The agency head of each employing
989 agency shall notify each newly employed local officer or
990 specified state employee, not later than the day of employment,
991 of the officer's or employee's duty to comply with the
992 disclosure requirements of this section. The appointing official
993 or body or employing agency head may designate a person to be
994 responsible for the notification requirements of this paragraph.

995 (b) The agency head of the agency of each local officer,
996 state officer, or specified state employee who is required to
997 file a statement of financial interests for the final disclosure
998 period shall notify such persons of their obligation to file the
999 final disclosure and may designate a person to be responsible
1000 for the notification requirements of this paragraph.

1001 (c) If a person holding public office or public employment
1002 fails or refuses to file an annual statement of financial
1003 interests for any year in which the person received notice from
1004 the commission regarding the failure to file and has accrued the
1005 maximum automatic fine authorized under this section, regardless
1006 of whether the fine imposed was paid or collected, the
1007 commission shall initiate an investigation and conduct a public
1008 hearing without receipt of a complaint to determine whether the
1009 person's failure to file is willful. Such investigation and
1010 hearing must be conducted in accordance with s. 112.324. Except
1011 as provided in s. 112.324(4), if the commission determines that
1012 the person willfully failed to file a statement of financial
1013 interests, the commission shall enter an order recommending that



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1014 the officer or employee be removed from his or her public office
1015 or public employment. The commission shall forward its
1016 recommendation as provided in s. 112.324.

1017 (10)~~(9)~~ A public officer who has filed a disclosure for any
1018 calendar or fiscal year shall not be required to file a second
1019 disclosure for the same year or any part thereof,
1020 notwithstanding any requirement of this act, except that any
1021 public officer who qualifies as a candidate for public office
1022 shall file a copy of the disclosure with the officer before whom
1023 he or she qualifies as a candidate at the time of qualification.

1024 (11) (a)~~(10) (a)~~ The commission shall treat an amendment to
1025 an amended annual statement of financial interests which is
1026 filed before September 1 of the year in which the statement is
1027 due as part of the original filing, regardless of whether a
1028 complaint has been filed. If a complaint alleges only an
1029 immaterial, inconsequential, or de minimis error or omission,
1030 the commission may not take any action on the complaint other
1031 than notifying the filer of the complaint. The filer must be
1032 given 30 days to file an amendment to the amended statement of
1033 financial interests correcting any errors. If the filer does not
1034 file an amendment to the amended statement of financial
1035 interests within 30 days after the commission sends notice of
1036 the complaint, the commission may continue with proceedings
1037 pursuant to s. 112.324.

1038 (b) For purposes of the final statement of financial
1039 interests, the commission shall treat an amendment to a new
1040 final statement of financial interests as part of the original
1041 filing, if filed within 60 days of the original filing
1042 regardless of whether a complaint has been filed. If, more than



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1043 60 days after a final statement of financial interests is filed,
1044 a complaint is filed alleging a complete omission of any
1045 information required to be disclosed by this section, the
1046 commission may immediately follow the complaint procedures in s.
1047 112.324. However, if the complaint alleges an immaterial,
1048 inconsequential, or de minimis error or omission, the commission
1049 may not take any action on the complaint other than notifying
1050 the filer of the complaint. The filer must be given 30 days to
1051 file an amendment to the ~~a new~~ final statement of financial
1052 interests correcting any errors. If the filer does not file an
1053 amendment to the ~~a new~~ final statement of financial interests
1054 within 30 days after the commission sends notice of the
1055 complaint, the commission may continue with proceedings pursuant
1056 to s. 112.324.

1057 (c) For purposes of this section, an error or omission is
1058 immaterial, inconsequential, or de minimis if the original
1059 filing provided sufficient information for the public to
1060 identify potential conflicts of interest. However, failure to
1061 certify completion of annual ethics training required under s.
1062 112.3142 does not constitute an immaterial, inconsequential, or
1063 de minimis error or omission.

1064 (12) (a) ~~(11) (a)~~ An individual required to file a statement
1065 ~~disclosure~~ pursuant to this section may have the statement
1066 ~~disclosure~~ prepared by an attorney in good standing with The
1067 Florida Bar or by a certified public accountant licensed under
1068 chapter 473. After preparing a statement ~~disclosure~~ form, the
1069 attorney or certified public accountant must sign the form
1070 indicating that he or she prepared the form in accordance with
1071 this section and the instructions for completing and filing the



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1072 disclosure forms and that, upon his or her reasonable knowledge
1073 and belief, the disclosure is true and correct. If a complaint
1074 is filed alleging a failure to disclose information required by
1075 this section, the commission shall determine whether the
1076 information was disclosed to the attorney or certified public
1077 accountant. The failure of the attorney or certified public
1078 accountant to accurately transcribe information provided by the
1079 individual who is required to file the statement disclosure does
1080 not constitute a violation of this section.

1081 (b) An elected officer or candidate who chooses to use an
1082 attorney or a certified public accountant to prepare his or her
1083 statement disclosure may pay for the services of the attorney or
1084 certified public accountant from funds in an office account
1085 created pursuant to s. 106.141 or, during a year that the
1086 individual qualifies for election to public office, the
1087 candidate's campaign depository pursuant to s. 106.021.

1088 (13)~~(12)~~ The commission shall adopt rules and forms
1089 specifying how a state officer, local officer, or specified
1090 state employee may amend his or her statement of financial
1091 interests to report information that was not included on the
1092 form as originally filed. If the amendment is the subject of a
1093 complaint filed under this part, the commission and the proper
1094 disciplinary official or body shall consider as a mitigating
1095 factor when considering appropriate disciplinary action the fact
1096 that the amendment was filed before any complaint or other
1097 inquiry or proceeding, while recognizing that the public was
1098 deprived of access to information to which it was entitled.

1099 Section 5. Section 112.31455, Florida Statutes, is amended
1100 to read:



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1101 112.31455 Collection methods for unpaid automatic fines for
1102 failure to timely file disclosure of financial interests.—

1103 (1) Before referring any unpaid fine accrued pursuant to s.
1104 112.3144(8) or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~
1105 to the Department of Financial Services, the commission shall
1106 attempt to determine whether the individual owing such a fine is
1107 a current public officer or current public employee. If so, the
1108 commission may notify the Chief Financial Officer or the
1109 governing body of the appropriate county, municipality, or
1110 special district of the total amount of any fine owed to the
1111 commission by such individual.

1112 (a) After receipt and verification of the notice from the
1113 commission, the Chief Financial Officer or the governing body of
1114 the county, municipality, or special district shall begin
1115 withholding the lesser of 10 percent or the maximum amount
1116 allowed under federal law from any salary-related payment. The
1117 withheld payments shall be remitted to the commission until the
1118 fine is satisfied.

1119 (b) The Chief Financial Officer or the governing body of
1120 the county, municipality, or special district may retain an
1121 amount of each withheld payment, as provided in s. 77.0305, to
1122 cover the administrative costs incurred under this section.

1123 (2) If the commission determines that the individual who is
1124 the subject of an unpaid fine accrued pursuant to s. 112.3144(8)
1125 or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~ is no longer
1126 a public officer or public employee or if the commission is
1127 unable to determine whether the individual is a current public
1128 officer or public employee, the commission may, 6 months after
1129 the order becomes final, seek garnishment of any wages to



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1130 satisfy the amount of the fine, or any unpaid portion thereof,
1131 pursuant to chapter 77. Upon recording the order imposing the
1132 fine with the clerk of the circuit court, the order shall be
1133 deemed a judgment for purposes of garnishment pursuant to
1134 chapter 77.

1135 (3) The commission may refer unpaid fines to the
1136 appropriate collection agency, as directed by the Chief
1137 Financial Officer, to utilize any collection methods provided by
1138 law. Except as expressly limited by this section, any other
1139 collection methods authorized by law are allowed.

1140 (4) Action may be taken to collect any unpaid fine imposed
1141 by ss. 112.3144 and 112.3145 within 20 years after the date the
1142 final order is rendered.

1143 Section 6. Except as otherwise expressly provided in this
1144 act, this act shall take effect upon becoming a law.