

**By** the Committees on Appropriations; Governmental Oversight and Accountability; and Ethics and Elections

576-04187-19

20197040c2

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 filed electronically  
12          beginning on a specified date; prescribing the manner  
13          of filing for purposes of candidate qualifying;  
14          prohibiting a filer from including certain information  
15          on a disclosure or statement; providing that the  
16          commission is not liable for the release of certain  
17          information under certain circumstances; requiring the  
18          commission to redact certain information under certain  
19          circumstances; requiring certain information be  
20          delivered electronically; requiring the commission to  
21          provide certain verification to a filer upon request;  
22          requiring a declaration be submitted with a disclosure  
23          or statement; specifying that certain actions do not  
24          constitute an unusual circumstance; revising a  
25          schedule to the State Constitution; amending s.  
26          112.31455, F.S.; conforming cross-references to  
27          changes made by the act; providing effective dates.

28  
29   Be It Enacted by the Legislature of the State of Florida:

576-04187-19

20197040c2

30  
31 Section 1. Section 112.31446, Florida Statutes, is created  
32 to read:

33 112.31446 Electronic filing system for financial  
34 disclosure.-

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

36 (a) "Disclosure of financial interests" or "disclosure"  
37 includes a full and public disclosure of financial interests and  
38 a final full and public disclosure of financial interests, and  
39 any amendments thereto.

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

44 (c) "Statement of financial interests" or "statement"  
45 includes a statement of financial interests and a final  
46 statement of financial interests, and any amendments thereto.

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

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

54 (b) Make filings available in a searchable format that is  
55 accessible by an individual using standard Internet-browsing  
56 software.

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

576-04187-19

20197040c2

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

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

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

76 (4) The commission shall provide each person required to  
77 file a disclosure of financial interests or statement of  
78 financial interests a secure log-in to the electronic filing  
79 system. Such person is responsible for protecting his or her  
80 secure log-in credentials from disclosure and is responsible for  
81 all filings submitted to the commission with such credentials,  
82 unless the person has notified the commission that his or her  
83 credentials have been compromised.

84 (5) If the electronic filing system is inoperable and  
85 prevents timely submission of disclosures of financial interests  
86 or statements of financial interests, as determined by the  
87 commission chair, or if the Governor has declared a state of

576-04187-19

20197040c2

88 emergency and a person required to submit a disclosure or  
89 statement resides in an area included in the state of emergency  
90 and is prevented from submitting the disclosure or statement  
91 electronically, the commission chair must extend the filing  
92 deadline for submission by such persons of disclosures or  
93 statements by either the same period of time for which the  
94 system was deemed inoperable or by 90 days for persons who  
95 reside in an area included in a state of emergency, whichever is  
96 applicable.

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

99 112.312 Definitions.—As used in this part and for purposes  
100 of the provisions of s. 8, Art. II of the State Constitution,  
101 unless the context otherwise requires:

102 (10) "Disclosure period" means the calendar taxable year,  
103 if disclosure is required for the entire year, or the portion of  
104 a calendar year ending with the last day of the period for which  
105 disclosure is required for the person or business entity,  
106 ~~whether based on a calendar or fiscal year, immediately~~  
107 ~~preceding the date on which, or the last day of the period~~  
108 ~~during which, the financial disclosure statement required by~~  
109 ~~this part is required to be filed.~~

110 Section 3. Section 112.3144, Florida Statutes, is amended  
111 to read:

112 112.3144 Full and public disclosure of financial  
113 interests.—

114 (1) An officer who is required by s. 8, Art. II of the  
115 State Constitution to file a full and public disclosure of his  
116 or her financial interests for any calendar or fiscal year, or

576-04187-19

20197040c2

117 any other person required by law to file a disclosure under this  
118 section, shall file that disclosure with the Florida Commission  
119 on Ethics. Additionally, ~~beginning January 1, 2015,~~ an officer  
120 who is required to complete annual ethics training pursuant to  
121 s. 112.3142 must certify on his or her full and public  
122 disclosure of financial interests that he or she has completed  
123 the required training.

124 (2) Beginning January 1, 2022, all disclosures filed with  
125 the commission must be filed electronically through an  
126 electronic filing system created and maintained by the  
127 commission as provided in s. 112.31446.

128 (3) A person who is required, pursuant to s. 8, Art. II of  
129 the State Constitution, to file a full and public disclosure of  
130 financial interests and who has filed a full and public  
131 disclosure of financial interests for any calendar or fiscal  
132 year shall not be required to file a statement of financial  
133 interests pursuant to s. 112.3145(2) and (3) for the same year  
134 or for any part thereof notwithstanding any requirement of this  
135 part. Until the electronic filing system required by subsection  
136 (2) is implemented, if an incumbent in an elective office has  
137 filed the full and public disclosure of financial interests to  
138 qualify for election to the same office or if a candidate for  
139 office holds another office subject to the annual filing  
140 requirement, the qualifying officer shall forward an electronic  
141 copy of the full and public disclosure of financial interests to  
142 the commission no later than July 1. The electronic copy of the  
143 full and public disclosure of financial interests satisfies the  
144 annual disclosure requirement of this section. A candidate who  
145 does not qualify until after the annual full and public

576-04187-19

20197040c2

146 disclosure of financial interests has been filed pursuant to  
147 this section shall file a copy of his or her disclosure with the  
148 officer before whom he or she qualifies.

149 (4) Beginning January 1, 2022, an incumbent in an elective  
150 office or a candidate holding another position subject to an  
151 annual filing requirement may submit either a copy of the full  
152 and public disclosure of financial interests filed with the  
153 commission, or a verification or receipt of the filing, with the  
154 officer before whom he or she qualifies. A candidate not subject  
155 to an annual filing requirement does not file with the  
156 commission, but may complete and print a full and public  
157 disclosure of financial interests to file with the officer  
158 before whom he or she qualifies.

159 (5)~~(3)~~ For purposes of full and public disclosure under s.  
160 8(a), Art. II of the State Constitution, the following items, if  
161 not held for investment purposes and if valued at over \$1,000 in  
162 the aggregate, may be reported in a lump sum and identified as  
163 "household goods and personal effects":

- 164 (a) Jewelry;  
165 (b) Collections of stamps, guns, and numismatic properties;  
166 (c) Art objects;  
167 (d) Household equipment and furnishings;  
168 (e) Clothing;  
169 (f) Other household items; and  
170 (g) Vehicles for personal use.

171 (6) (a)~~(4) (a)~~ With respect to reporting, ~~on forms prescribed~~  
172 ~~under this section,~~ assets valued in excess of \$1,000 which the  
173 reporting individual holds jointly with another person, the  
174 amount reported shall be based on the reporting individual's

576-04187-19

20197040c2

175 legal percentage of ownership in the property. However, assets  
176 that are held jointly, with right of survivorship, must be  
177 reported at 100 percent of the value of the asset. For purposes  
178 of this subsection, a reporting individual is deemed to own a  
179 percentage of a partnership which is equal to the reporting  
180 individual's interest in the capital or equity of the  
181 partnership.

182 (b)1. With respect to reporting liabilities valued in  
183 excess of \$1,000 ~~on forms prescribed under this section~~ for  
184 which the reporting individual is jointly and severally liable,  
185 the amount reported shall be based on the reporting individual's  
186 percentage of liability rather than the total amount of the  
187 liability. However, liability for a debt that is secured by  
188 property owned by the reporting individual but that is held  
189 jointly, with right of survivorship, must be reported at 100  
190 percent of the total amount owed.

191 2. A separate section of the form shall be created to  
192 provide for the reporting of the amounts of joint and several  
193 liability of the reporting individual not otherwise reported in  
194 subparagraph 1.

195 (c) Each separate source and amount of income which exceeds  
196 \$1,000 must be identified. Beginning January 1, 2022, a federal  
197 income tax return may not be used for purposes of reporting  
198 income, and the commission may not accept a federal income tax  
199 return or a copy thereof.

200 (7)(a) Beginning January 1, 2022, a filer may not include  
201 in a filing to the commission a federal income tax return, or a  
202 copy thereof; a social security number; a bank, mortgage, or  
203 brokerage account number; a debit, charge, or credit card

576-04187-19

20197040c2

204 number; a personal identification number; or a taxpayer  
205 identification number. If a filer includes such information in  
206 his or her filing, the information may be made available as part  
207 of the official records of the commission available for public  
208 inspection and copying unless redaction is requested by the  
209 filer. The commission is not liable for the release of social  
210 security numbers or bank account, debit, charge, or credit card  
211 numbers included in a filing to the commission if the filer has  
212 not requested redaction of the information.

213 (b) The commission shall redact a filer's social security  
214 number; bank account number; debit, charge, or credit card  
215 number; or any other personal or account information that is  
216 legally protected from disclosure under state or federal law  
217 upon written notification from the filer of its inadvertent  
218 inclusion. Such notice must specify the information  
219 inadvertently included and the specific section or sections of  
220 the disclosure in which it was included.

221 (c) The commission must conspicuously post a notice, in  
222 substantially the following form, in the instructions for the  
223 electronic filing system specifying that:

224 1. Any filer submitting information through the electronic  
225 filing system may not include a federal income tax return, or a  
226 copy thereof; a social security number; a bank, mortgage, or  
227 brokerage account number; a debit, charge, or credit card  
228 number; a personal identification number; or a taxpayer  
229 identification number in any filing unless required by law.

230 2. Information submitted through the electronic filing  
231 system may be open to public inspection and copying.

232 3. Any filer has a right to request the commission to



576-04187-19

20197040c2

233 redact from his or her filing any social security number; bank  
234 account number; or debit, charge, or credit card number  
235 contained in the filing. Such request must be made in writing  
236 and delivered to the commission. The request must specify the  
237 information to be redacted and the specific section or sections  
238 of the disclosure in which it was included.

239 (8)~~(5)~~ Forms or fields of information for compliance with  
240 the full and public disclosure requirements of s. 8, Art. II of  
241 the State Constitution shall be prescribed ~~created~~ by the  
242 commission ~~on Ethics~~. The commission shall give notice of  
243 disclosure deadlines and delinquencies and distribute forms in  
244 the following manner:

245 (a) Not later than May 1 of each year, the commission shall  
246 prepare a current list of the names, e-mail addresses, and  
247 physical addresses of and the offices held by every person  
248 required to file full and public disclosure annually by s. 8,  
249 Art. II of the State Constitution, or other state law. ~~In~~  
250 ~~compiling the list, the commission shall be assisted by~~ Each  
251 unit of government shall assist the commission in compiling the  
252 list by ~~in~~ providing to the commission not later than February 1  
253 of each year ~~at the request of the commission~~ the name, e-mail  
254 address, physical address, and name of the office held by such  
255 person ~~each public official~~ within the respective unit of  
256 government as of December 31 of the preceding year.

257 (b) Not later than June 1 ~~30 days before July 1~~ of each  
258 year, the commission shall distribute ~~mail~~ a copy of the form  
259 prescribed for compliance with full and public disclosure and a  
260 notice of the filing deadline to each person on the ~~mailing~~  
261 list. Beginning January 1, 2022, no paper forms will be

576-04187-19

20197040c2

262 provided. The notice required under this paragraph and  
263 instructions for electronic submission must be delivered by e-  
264 mail.

265 (c) Not later than August 1 ~~30 days after July 1~~ of each  
266 year, the commission shall determine which persons on the  
267 ~~mailing~~ list have failed to file full and public disclosure and  
268 shall send delinquency notices ~~by certified mail~~ to such  
269 persons. Each notice must ~~shall~~ state that a grace period is in  
270 effect until September 1 of the current year. Beginning January  
271 1, 2022, the notice required under this paragraph must be  
272 delivered by e-mail and must be redelivered on a weekly basis so  
273 long as a person remains delinquent.

274 (d) Disclosures ~~Statements~~ must be received by the  
275 commission ~~filed~~ not later than 5 p.m. of the due date. However,  
276 any disclosure ~~statement~~ that is postmarked by the United States  
277 Postal Service by midnight of the due date is deemed to have  
278 been filed in a timely manner, and a certificate of mailing  
279 obtained from and dated by the United States Postal Service at  
280 the time of the mailing, or a receipt from an established  
281 courier company which bears a date on or before the due date,  
282 constitutes proof of mailing in a timely manner. Beginning  
283 January 1, 2022, upon request of the filer, the commission must  
284 provide verification to the filer that the commission has  
285 received the filed disclosure.

286 (e) Beginning January 1, 2022, a written declaration, as  
287 provided for under s. 92.525(2), accompanied by an electronic  
288 signature satisfies the requirement that the disclosure be  
289 sworn.

290 (f) Any person who is required to file full and public

576-04187-19

20197040c2

291 disclosure of financial interests and whose name is on the  
292 commission's ~~mailing~~ list, and to whom notice has been sent, but  
293 who fails to timely file is assessed a fine of \$25 per day for  
294 each day late up to a maximum of \$1,500; however, this \$1,500  
295 limitation on automatic fines does not limit the civil penalty  
296 that may be imposed if the statement is filed more than 60 days  
297 after the deadline and a complaint is filed, as provided in s.  
298 112.324. The commission must provide by rule the grounds for  
299 waiving the fine and the procedures by which each person whose  
300 name is on the ~~mailing~~ list and who is determined to have not  
301 filed in a timely manner will be notified of assessed fines and  
302 may appeal. The rule must provide for and make specific the  
303 following:

304 1. The amount of the fine due is based upon the earliest of  
305 the following:

306 a. When a statement is actually received by the office.

307 b. When the statement is postmarked.

308 c. When the certificate of mailing is dated.

309 d. When the receipt from an established courier company is  
310 dated.

311 2. Upon receipt of the disclosure statement or upon accrual  
312 of the maximum penalty, whichever occurs first, the commission  
313 shall determine the amount of the fine which is due and shall  
314 notify the delinquent person. The notice must include an  
315 explanation of the appeal procedure under subparagraph 3. Such  
316 fine must be paid within 30 days after the notice of payment due  
317 is transmitted, unless appeal is made to the commission pursuant  
318 to subparagraph 3. The moneys shall be deposited into the  
319 General Revenue Fund.

576-04187-19

20197040c2

320           3. Any reporting person may appeal or dispute a fine, based  
321 upon unusual circumstances surrounding the failure to file on  
322 the designated due date, and may request and is entitled to a  
323 hearing before the commission, which may waive the fine in whole  
324 or in part for good cause shown. Any such request must be in  
325 writing and received by the commission ~~made~~ within 30 days after  
326 the notice of payment due is transmitted. In such a case, the  
327 reporting person must, within the 30-day period, notify the  
328 person designated to review the timeliness of reports in writing  
329 of his or her intention to bring the matter before the  
330 commission. For purposes of this subparagraph, the term "unusual  
331 circumstances" does not include the failure to monitor an e-mail  
332 account or failure to receive notice if the person has not  
333 notified the commission of a change in his or her e-mail  
334 address.

335           (g) ~~(f)~~ Any person subject to the annual filing of full and  
336 public disclosure under s. 8, Art. II of the State Constitution,  
337 or other state law, whose name is not on the commission's  
338 ~~mailing~~ list of persons required to file full and public  
339 disclosure is not subject to the fines or penalties provided in  
340 this part for failure to file full and public disclosure in any  
341 year in which the omission occurred, but nevertheless is  
342 required to file the disclosure statement.

343           (h) ~~(g)~~ The notification requirements and fines of this  
344 subsection do not apply to candidates or to the first filing  
345 required of any person appointed to elective constitutional  
346 office or other position required to file full and public  
347 disclosure, unless the person's name is on the commission's  
348 notification list and the person received notification from the

576-04187-19

20197040c2

349 commission. The appointing official shall notify such newly  
350 appointed person of the obligation to file full and public  
351 disclosure by July 1. The notification requirements and fines of  
352 this subsection do not apply to the final filing provided for in  
353 subsection (10) ~~(7)~~.

354 (i) ~~(h)~~ Notwithstanding any provision of chapter 120, any  
355 fine imposed under this subsection which is not waived by final  
356 order of the commission and which remains unpaid more than 60  
357 days after the notice of payment due or more than 60 days after  
358 the commission renders a final order on the appeal must be  
359 submitted to the Department of Financial Services as a claim,  
360 debt, or other obligation owed to the state, and the department  
361 shall assign the collection of such fine to a collection agent  
362 as provided in s. 17.20.

363 (9) ~~(6)~~ If a person holding public office or public  
364 employment fails or refuses to file a full and public disclosure  
365 of financial interests for any year in which the person received  
366 notice from the commission regarding the failure to file and has  
367 accrued the maximum automatic fine authorized under this  
368 section, regardless of whether the fine imposed was paid or  
369 collected, the commission shall initiate an investigation and  
370 conduct a public hearing without receipt of a complaint to  
371 determine whether the person's failure to file is willful. Such  
372 investigation and hearing must be conducted in accordance with  
373 s. 112.324. Except as provided in s. 112.324(4), if the  
374 commission determines that the person willfully failed to file a  
375 full and public disclosure of financial interests, the  
376 commission shall enter an order recommending that the officer or  
377 employee be removed from his or her public office or public

576-04187-19

20197040c2

378 employment. The commission shall forward its recommendations as  
379 provided in s. 112.324.

380 (10)~~(7)~~ Each person required to file full and public  
381 disclosure of financial interests shall file a final disclosure  
382 statement within 60 days after leaving his or her public  
383 position for the period between January 1 of the year in which  
384 the person leaves and the last day of office or employment,  
385 unless within the 60-day period the person takes another public  
386 position requiring financial disclosure under s. 8, Art. II of  
387 the State Constitution, or is otherwise required to file full  
388 and public disclosure for the final disclosure period. The head  
389 of the agency of each person required to file full and public  
390 disclosure for the final disclosure period shall notify such  
391 persons of their obligation to file the final disclosure and may  
392 designate a person to be responsible for the notification  
393 requirements of this subsection.

394 (11) (a)~~(8) (a)~~ The commission shall treat an amendment to a  
395 ~~amended~~ full and public disclosure of financial interests which  
396 is filed before September 1 of the year in which the disclosure  
397 is due as part of the original filing, regardless of whether a  
398 complaint has been filed. If a complaint alleges only an  
399 immaterial, inconsequential, or de minimis error or omission,  
400 the commission may not take any action on the complaint other  
401 than notifying the filer of the complaint. The filer must be  
402 given 30 days to file an amendment to the ~~amended~~ full and  
403 public disclosure of financial interests correcting any errors.  
404 If the filer does not file an amendment to the ~~amended~~ full and  
405 public disclosure of financial interests within 30 days after  
406 the commission sends notice of the complaint, the commission may

576-04187-19

20197040c2

407 continue with proceedings pursuant to s. 112.324.

408 (b) For purposes of the final full and public disclosure of  
409 financial interests, the commission shall treat an amendment to  
410 a new final full and public disclosure of financial interests as  
411 part of the original filing if filed within 60 days after the  
412 original filing, regardless of whether a complaint has been  
413 filed. If, more than 60 days after a final full and public  
414 disclosure of financial interests is filed, a complaint is filed  
415 alleging a complete omission of any information required to be  
416 disclosed by this section, the commission may immediately follow  
417 the complaint procedures in s. 112.324. However, if the  
418 complaint alleges an immaterial, inconsequential, or de minimis  
419 error or omission, the commission may not take any action on the  
420 complaint, other than notifying the filer of the complaint. The  
421 filer must be given 30 days to file an amendment to the a new  
422 final full and public disclosure of financial interests  
423 correcting any errors. If the filer does not file an amendment  
424 to the a new final full and public disclosure of financial  
425 interests within 30 days after the commission sends notice of  
426 the complaint, the commission may continue with proceedings  
427 pursuant to s. 112.324.

428 (c) For purposes of this section, an error or omission is  
429 immaterial, inconsequential, or de minimis if the original  
430 filing provided sufficient information for the public to  
431 identify potential conflicts of interest. However, failure to  
432 certify completion of annual ethics training required under s.  
433 112.3142 does not constitute an immaterial, inconsequential, or  
434 de minimis error or omission.

435 (12) (a) ~~(9) (a)~~ An individual required to file a disclosure

576-04187-19

20197040c2

436 pursuant to this section may have the disclosure prepared by an  
437 attorney in good standing with The Florida Bar or by a certified  
438 public accountant licensed under chapter 473. After preparing a  
439 disclosure form, the attorney or certified public accountant  
440 must sign the form indicating that he or she prepared the form  
441 in accordance with this section and the instructions for  
442 completing and filing the disclosure forms and that, upon his or  
443 her reasonable knowledge and belief, the disclosure is true and  
444 correct. If a complaint is filed alleging a failure to disclose  
445 information required by this section, the commission shall  
446 determine whether the information was disclosed to the attorney  
447 or certified public accountant. The failure of the attorney or  
448 certified public accountant to accurately transcribe information  
449 provided by the individual required to file is not a violation  
450 of this section.

451 (b) An elected officer or candidate who chooses to use an  
452 attorney or a certified public accountant to prepare his or her  
453 disclosure may pay for the services of the attorney or certified  
454 public accountant from funds in an office account created  
455 pursuant to s. 106.141 or, during a year that the individual  
456 qualifies for election to public office, the candidate's  
457 campaign depository pursuant to s. 106.021.

458 (13)~~(10)~~ The commission shall adopt rules and forms  
459 specifying how a person who is required to file full and public  
460 disclosure of financial interests may amend his or her  
461 disclosure statement to report information that was not included  
462 on the form as originally filed. If the amendment is the subject  
463 of a complaint filed under this part, the commission and the  
464 proper disciplinary official or body shall consider as a



576-04187-19

20197040c2

465 mitigating factor when considering appropriate disciplinary  
466 action the fact that the amendment was filed before any  
467 complaint or other inquiry or proceeding, while recognizing that  
468 the public was deprived of access to information to which it was  
469 entitled.

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

473 Section 4. Section 112.3145, Florida Statutes, is amended  
474 to read:

475 112.3145 Disclosure of financial interests and clients  
476 represented before agencies.—

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

479 (a) "Local officer" means:

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

483 2. Any appointed member of any of the following boards,  
484 councils, commissions, authorities, or other bodies of any  
485 county, municipality, school district, independent special  
486 district, or other political subdivision of the state:

487 a. The governing body of the political subdivision, if  
488 appointed;

489 b. A community college or junior college district board of  
490 trustees;

491 c. A board having the power to enforce local code  
492 provisions;

493 d. A planning or zoning board, board of adjustment, board

576-04187-19

20197040c2

494 of appeals, community redevelopment agency board, or other board  
495 having the power to recommend, create, or modify land planning  
496 or zoning within the political subdivision, except for citizen  
497 advisory committees, technical coordinating committees, and such  
498 other groups who only have the power to make recommendations to  
499 planning or zoning boards;

500 e. A pension board or retirement board having the power to  
501 invest pension or retirement funds or the power to make a  
502 binding determination of one's entitlement to or amount of a  
503 pension or other retirement benefit; or

504 f. Any other appointed member of a local government board  
505 who is required to file a statement of financial interests by  
506 the appointing authority or the enabling legislation, ordinance,  
507 or resolution creating the board.

508 3. Any person holding one or more of the following  
509 positions: mayor; county or city manager; chief administrative  
510 employee of a county, municipality, or other political  
511 subdivision; county or municipal attorney; finance director of a  
512 county, municipality, or other political subdivision; chief  
513 county or municipal building code inspector; county or municipal  
514 water resources coordinator; county or municipal pollution  
515 control director; county or municipal environmental control  
516 director; county or municipal administrator, with power to grant  
517 or deny a land development permit; chief of police; fire chief;  
518 municipal clerk; district school superintendent; community  
519 college president; district medical examiner; or purchasing  
520 agent having the authority to make any purchase exceeding the  
521 threshold amount provided for in s. 287.017 for CATEGORY TWO  
522 ~~ONE~~, on behalf of any political subdivision of the state or any

576-04187-19

20197040c2

523 entity thereof.

524 (b) "Specified state employee" means:

525 1. Public counsel created by chapter 350, an assistant  
526 state attorney, an assistant public defender, a criminal  
527 conflict and civil regional counsel, an assistant criminal  
528 conflict and civil regional counsel, a full-time state employee  
529 who serves as counsel or assistant counsel to any state agency,  
530 ~~the Deputy Chief Judge of Compensation Claims, a judge of~~  
531 ~~compensation claims,~~ an administrative law judge, or a hearing  
532 officer.

533 2. Any person employed in the office of the Governor or in  
534 the office of any member of the Cabinet if that person is exempt  
535 from the Career Service System, except persons employed in  
536 clerical, secretarial, or similar positions.

537 3. The State Surgeon General or each appointed secretary,  
538 assistant secretary, deputy secretary, executive director,  
539 assistant executive director, or deputy executive director of  
540 each state department, commission, board, or council; unless  
541 otherwise provided, the division director, assistant division  
542 director, deputy director, and bureau chief, ~~and assistant~~  
543 ~~bureau chief~~ of any state department or division; or any person  
544 having the power normally conferred upon such persons, by  
545 whatever title.

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

551 5. Business managers, purchasing agents having the power to

576-04187-19

20197040c2

552 make any purchase exceeding the threshold amount provided for in  
553 s. 287.017 for CATEGORY TWO ~~ONE~~, finance and accounting  
554 directors, personnel officers, or grants coordinators for any  
555 state agency.

556 6. Any person, other than a legislative assistant exempted  
557 by the presiding officer of the house by which the legislative  
558 assistant is employed, who is employed in the legislative branch  
559 of government, except persons employed in maintenance, clerical,  
560 secretarial, or similar positions.

561 7. Each employee of the Commission on Ethics.

562 (c) "State officer" means:

563 1. Any elected public officer, excluding those elected to  
564 the United States Senate and House of Representatives, not  
565 covered elsewhere in this part and any person who is appointed  
566 to fill a vacancy for an unexpired term in such an elective  
567 office.

568 2. An appointed member of each board, commission,  
569 authority, or council having statewide jurisdiction, excluding a  
570 member of an advisory body.

571 3. A member of the Board of Governors of the State  
572 University System or a state university board of trustees, the  
573 Chancellor and Vice Chancellors of the State University System,  
574 and the president of a state university.

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

577 (2) (a) A person seeking nomination or election to a state  
578 or local elective office shall file a statement of financial  
579 interests together with, and at the same time he or she files,  
580 qualifying papers. When a candidate has qualified for office

576-04187-19

20197040c2

581 prior to the deadline to file an annual statement of financial  
582 interests, the statement of financial interests that is filed  
583 with the candidate's qualifying papers shall be deemed to  
584 satisfy the annual disclosure requirement of this section. The  
585 qualifying officer must record that the statement of financial  
586 interests was timely filed. However, if a candidate does not  
587 qualify until after the annual statement of financial interests  
588 has been filed, the candidate may file a copy of his or her  
589 statement with the qualifying officer.

590 (b) Each state or local officer and each specified state  
591 employee shall file a statement of financial interests no later  
592 than July 1 of each year. Each state officer, local officer, and  
593 specified state employee shall file a final statement of  
594 financial interests within 60 days after leaving his or her  
595 public position for the period between January 1 of the year in  
596 which the person leaves and the last day of office or  
597 employment, unless within the 60-day period the person takes  
598 another public position requiring financial disclosure under  
599 this section or s. 8, Art. II of the State Constitution or  
600 otherwise is required to file full and public disclosure or a  
601 statement of financial interests for the final disclosure  
602 period. Each state or local officer who is appointed and each  
603 specified state employee who is employed shall file a statement  
604 of financial interests within 30 days from the date of  
605 appointment or, in the case of a specified state employee, from  
606 the date on which the employment begins, except that any person  
607 whose appointment is subject to confirmation by the Senate shall  
608 file prior to confirmation hearings or within 30 days from the  
609 date of appointment, whichever comes first.

576-04187-19

20197040c2

610           (c) Beginning January 1, 2023, an incumbent in an elective  
611 office or a candidate holding another position subject to an  
612 annual filing requirement may submit either a copy of the  
613 statement of financial interests filed with the commission, or a  
614 verification or receipt of the filing, with the officer before  
615 whom he or she qualifies. A candidate not subject to an annual  
616 filing requirement does not file with the commission, but may  
617 complete and print a statement of financial interests to file  
618 with the officer before whom he or she qualifies.

619           (d) State officers and specified state employees shall file  
620 their statements of financial interests with the commission ~~on~~  
621 ~~Ethics~~. Local officers shall file their statements of financial  
622 interests with the supervisor of elections of the county in  
623 which they permanently reside. Local officers who do not  
624 permanently reside in any county in the state shall file their  
625 statements of financial interests with the supervisor of  
626 elections of the county in which their agency maintains its  
627 headquarters. Persons seeking to qualify as candidates for local  
628 public office shall file their statements of financial interests  
629 with the officer before whom they qualify.

630           (e) Beginning January 1, 2023, all statements filed with  
631 the commission must be filed electronically through an  
632 electronic filing system created and maintained by the  
633 commission as provided in s. 112.31446.

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

576-04187-19

20197040c2

639 which case that section of the statement shall be marked "not  
640 applicable." Otherwise, the statement of financial interests  
641 must shall include the information under paragraph (a) or  
642 paragraph (b). The reporting person shall indicate on the  
643 statement whether he or she is using the reporting method under  
644 paragraph (a) or paragraph (b). However, beginning January 1,  
645 2023, only the reporting method specified under paragraph (b)  
646 may be used. The reporting methods are as follows, at the  
647 filer's option, either:

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

655 2. All sources of income to a business entity in excess of  
656 10 percent of the gross income of a business entity in which the  
657 reporting person held a material interest and from which he or  
658 she received an amount which was in excess of 10 percent of his  
659 or her gross income during the disclosure period and which  
660 exceeds \$1,500. The period for computing the gross income of the  
661 business entity is the fiscal year of the business entity which  
662 ended on, or immediately prior to, the end of the disclosure  
663 period of the person reporting;

664 3. The location or description of real property in this  
665 state, except for residences and vacation homes, owned directly  
666 or indirectly by the person reporting, when such person owns in  
667 excess of 5 percent of the value of such real property, and a

576-04187-19

20197040c2

668 general description of any intangible personal property worth in  
669 excess of 10 percent of such person's total assets. For the  
670 purposes of this paragraph, indirect ownership does not include  
671 ownership by a spouse or minor child; and

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

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

681 2. All sources of income to a business entity in excess of  
682 10 percent of the gross income of a business entity in which the  
683 reporting person held a material interest and from which he or  
684 she received gross income exceeding \$5,000 during the disclosure  
685 period. The period for computing the gross income of the  
686 business entity is the fiscal year of the business entity which  
687 ended on, or immediately prior to, the end of the disclosure  
688 period of the person reporting;

689 3. The location or description of real property in this  
690 state, except for residence and vacation homes, owned directly  
691 or indirectly by the person reporting, when such person owns in  
692 excess of 5 percent of the value of such real property, and a  
693 general description of any intangible personal property worth in  
694 excess of \$10,000. For the purpose of this paragraph, indirect  
695 ownership does not include ownership by a spouse or minor child;  
696 and



576-04187-19

20197040c2

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

698

699 ~~A person filing a statement of financial interests shall~~  
700 ~~indicate on the statement whether he or she is using the method~~  
701 ~~specified in paragraph (a) or paragraph (b).~~

702 (4) (a) Beginning January 1, 2023, a filer may not include  
703 in a filing to the commission a federal income tax return, or a  
704 copy thereof; a social security number; a bank, mortgage, or  
705 brokerage account number; a debit, charge, or credit card  
706 number; a personal identification number; or a taxpayer  
707 identification number. If a filer includes such information in  
708 his or her filing, the information may be made available as part  
709 of the official records of the commission available for public  
710 inspection and copying unless redaction is requested by the  
711 filer. The commission is not liable for the release of social  
712 security numbers or bank account, debit, charge, or credit card  
713 numbers included in a filing to the commission if the filer has  
714 not requested redaction of the information.

715 (b) The commission shall redact a filer's social security  
716 number; bank account number; debit, charge, or credit card  
717 number; or any other personal or account information that is  
718 legally protected from disclosure under state or federal law  
719 upon written notification from the filer of its inadvertent  
720 inclusion. Such notice must specify the information  
721 inadvertently included and the specific section or sections of  
722 the statement in which it was included.

723 (c) The commission must conspicuously post a notice, in  
724 substantially the following form, in the instructions for the  
725 electronic filing system specifying that:

576-04187-19

20197040c2

726 1. Any filer submitting information through the electronic  
727 filing system may not include a federal income tax return, or a  
728 copy thereof; a social security number; a bank, mortgage, or  
729 brokerage account number; a debit, charge, or credit card  
730 number; a personal identification number; or a taxpayer  
731 identification number in any filing unless required by law.

732 2. Information submitted through the electronic filing  
733 system may be open to public inspection and copying.

734 3. Any filer has a right to request the commission to  
735 redact from his or her filing any social security number; bank  
736 account number; or debit, charge, or credit card number  
737 contained in the filing. Such request must be made in writing  
738 and delivered to the commission. The request must specify the  
739 information to be redacted and the specific section or sections  
740 of the disclosure in which it was included.

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

745 (6)~~(5)~~ Each elected constitutional officer, state officer,  
746 local officer, and specified state employee shall file a  
747 quarterly report of the names of clients represented for a fee  
748 or commission, except for appearances in ministerial matters,  
749 before agencies at his or her level of government. For the  
750 purposes of this part, agencies of government shall be  
751 classified as state-level agencies or agencies below state  
752 level. Each local officer shall file such report with the  
753 supervisor of elections of the county in which the officer is  
754 principally employed or is a resident. Each state officer,

576-04187-19

20197040c2

755 elected constitutional officer, and specified state employee  
756 shall file such report with the commission. The report shall be  
757 filed only when a reportable representation is made during the  
758 calendar quarter and shall be filed no later than the last day  
759 of each calendar quarter, for the previous calendar quarter.  
760 Representation before any agency shall be deemed to include  
761 representation by such officer or specified state employee or by  
762 any partner or associate of the professional firm of which he or  
763 she is a member and of which he or she has actual knowledge. For  
764 the purposes of this subsection, the term "representation before  
765 any agency" does not include appearances before any court or the  
766 Deputy Chief Judge of Compensation Claims or judges of  
767 compensation claims or representations on behalf of one's agency  
768 in one's official capacity. Such term does not include the  
769 preparation and filing of forms and applications merely for the  
770 purpose of obtaining or transferring a license based on a quota  
771 or a franchise of such agency or a license or operation permit  
772 to engage in a profession, business, or occupation, so long as  
773 the issuance or granting of such license, permit, or transfer  
774 does not require substantial discretion, a variance, a special  
775 consideration, or a certificate of public convenience and  
776 necessity.

777       (7)~~(6)~~ Each elected constitutional officer and each  
778 candidate for such office, any other public officer required  
779 pursuant to s. 8, Art. II of the State Constitution to file a  
780 full and public disclosure of his or her financial interests,  
781 and each state officer, local officer, specified state employee,  
782 and candidate for elective public office who is or was during  
783 the disclosure period an officer, director, partner, proprietor,

576-04187-19

20197040c2

784 or agent, other than a resident agent solely for service of  
785 process, of, or owns or owned during the disclosure period a  
786 material interest in, any business entity which is granted a  
787 privilege to operate in this state shall disclose such facts as  
788 a part of the disclosure form filed pursuant to s. 8, Art. II of  
789 the State Constitution or this section, as applicable. The  
790 statement shall give the name, address, and principal business  
791 activity of the business entity and shall state the position  
792 held with such business entity or the fact that a material  
793 interest is owned and the nature of that interest.

794 (8)~~(7)~~ Forms for compliance with the disclosure  
795 requirements of this section and a current list of persons  
796 subject to disclosure shall be created by the commission and  
797 provided to each supervisor of elections. The commission and  
798 each supervisor of elections shall give notice of disclosure  
799 deadlines and delinquencies and distribute forms in the  
800 following manner:

801 (a)1. Not later than May 1 of each year, the commission  
802 shall prepare a current list of the names, e-mail addresses, and  
803 physical addresses of, and the offices or positions held by,  
804 every state officer, local officer, and specified employee. ~~In~~  
805 ~~compiling the list, the commission shall be assisted by~~ Each  
806 unit of government shall assist the commission in compiling the  
807 list by ~~in~~ providing to the commission not later than February 1  
808 of each year, ~~at the request of the commission,~~ the name, e-mail  
809 address, physical address, and name of agency of, and the office  
810 or position held by, each state officer, local officer, or  
811 specified state employee within the respective unit of  
812 government as of December 31 of the preceding year.

576-04187-19

20197040c2

813           2. Not later than May 15 of each year, the commission shall  
814 provide each supervisor of elections with a current ~~mailing~~ list  
815 of all local officers required to file with such supervisor of  
816 elections.

817           (b) Not later than June 1 ~~30 days before July 1~~ of each  
818 year, the commission and each supervisor of elections, as  
819 appropriate, shall distribute ~~mail~~ a copy of the form prescribed  
820 for compliance with subsection (3) and a notice of all  
821 applicable disclosure forms and filing deadlines to each person  
822 required to file a statement of financial interests. Beginning  
823 January 1, 2023, no paper forms will be provided. The notice  
824 required under this paragraph and instructions for electronic  
825 submission must be delivered by e-mail.

826           (c) Not later than August 1 ~~30 days after July 1~~ of each  
827 year, the commission and each supervisor of elections shall  
828 determine which persons required to file a statement of  
829 financial interests in their respective offices have failed to  
830 do so and shall send delinquency notices ~~by certified mail,~~  
831 ~~return receipt requested,~~ to these persons. Each notice must  
832 ~~shall~~ state that a grace period is in effect until September 1  
833 of the current year; that no investigative or disciplinary  
834 action based upon the delinquency will be taken by the agency  
835 head or commission if the statement is filed by September 1 of  
836 the current year; that, if the statement is not filed by  
837 September 1 of the current year, a fine of \$25 for each day late  
838 will be imposed, up to a maximum penalty of \$1,500; for notices  
839 distributed ~~sent~~ by a supervisor of elections, that he or she is  
840 required by law to notify the commission of the delinquency; and  
841 that, if upon the filing of a sworn complaint the commission

576-04187-19

20197040c2

842 finds that the person has failed to timely file the statement  
843 within 60 days after September 1 of the current year, such  
844 person will also be subject to the penalties provided in s.  
845 112.317. Beginning January 1, 2023, the notice required under  
846 this paragraph must be delivered by e-mail and must be  
847 redelivered on a weekly basis so long as a person remains  
848 delinquent.

849 (d) No later than November 15 of each year, the supervisor  
850 of elections in each county shall certify to the commission a  
851 list of the names and addresses of, and the offices or positions  
852 held by, all persons who have failed to timely file the required  
853 statements of financial interests. The certification must  
854 include the earliest of the dates described in subparagraph  
855 (g)1. ~~(f)1.~~ The certification shall be on a form prescribed by  
856 the commission and shall indicate whether the supervisor of  
857 elections has provided the disclosure forms and notice as  
858 required by this subsection to all persons named on the  
859 delinquency list.

860 (e) Statements must be received by the commission ~~filed~~ not  
861 later than 5 p.m. of the due date. However, any statement that  
862 is postmarked by the United States Postal Service by midnight of  
863 the due date is deemed to have been filed in a timely manner,  
864 and a certificate of mailing obtained from and dated by the  
865 United States Postal Service at the time of the mailing, or a  
866 receipt from an established courier company which bears a date  
867 on or before the due date, constitutes proof of mailing in a  
868 timely manner. Beginning January 1, 2023, upon request of the  
869 filer, the commission must provide verification to the filer  
870 that the commission has received the filed statement.

576-04187-19

20197040c2

871           (f) Beginning January 1, 2023, the statement must be  
872 accompanied by a declaration as provided in s. 92.525(2) and an  
873 electronic acknowledgment thereof.

874           (g) Any person who is required to file a statement of  
875 financial interests and whose name is on the commission's  
876 ~~mailing~~ list, and to whom notice has been sent, but who fails to  
877 timely file is assessed a fine of \$25 per day for each day late  
878 up to a maximum of \$1,500; however, this \$1,500 limitation on  
879 automatic fines does not limit the civil penalty that may be  
880 imposed if the statement is filed more than 60 days after the  
881 deadline and a complaint is filed, as provided in s. 112.324.  
882 The commission must provide by rule the grounds for waiving the  
883 fine and procedures by which each person whose name is on the  
884 ~~mailing~~ list and who is determined to have not filed in a timely  
885 manner will be notified of assessed fines and may appeal. The  
886 rule must provide for and make specific the following:

887           1. The amount of the fine due is based upon the earliest of  
888 the following:

889           a. When a statement is actually received by the office.

890           b. When the statement is postmarked.

891           c. When the certificate of mailing is dated.

892           d. When the receipt from an established courier company is  
893 dated.

894           2. For a specified state employee or a state officer, upon  
895 receipt of the disclosure statement by the commission or upon  
896 accrual of the maximum penalty, whichever occurs first, and for  
897 a local officer upon receipt by the commission of the  
898 certification from the local officer's supervisor of elections  
899 pursuant to paragraph (d), the commission shall determine the

576-04187-19

20197040c2

900 amount of the fine which is due and shall notify the delinquent  
901 person. The notice must include an explanation of the appeal  
902 procedure under subparagraph 3. The fine must be paid within 30  
903 days after the notice of payment due is transmitted, unless  
904 appeal is made to the commission pursuant to subparagraph 3. The  
905 moneys are to be deposited into the General Revenue Fund.

906 3. Any reporting person may appeal or dispute a fine, based  
907 upon unusual circumstances surrounding the failure to file on  
908 the designated due date, and may request and is entitled to a  
909 hearing before the commission, which may waive the fine in whole  
910 or in part for good cause shown. Any such request must be in  
911 writing and received by the commission ~~made~~ within 30 days after  
912 the notice of payment due is transmitted. In such a case, the  
913 reporting person must, within the 30-day period, notify the  
914 person designated to review the timeliness of reports in writing  
915 of his or her intention to bring the matter before the  
916 commission. For purposes of this subparagraph, the term "unusual  
917 circumstances" does not include the failure to monitor an e-mail  
918 account or failure to receive notice if the person has not  
919 notified the commission of a change in his or her e-mail  
920 address.

921 (h) ~~(g)~~ Any state officer, local officer, or specified  
922 employee whose name is not on the ~~mailing~~ list of persons  
923 required to file an annual statement of financial interests is  
924 not subject to the penalties provided in s. 112.317 or the fine  
925 provided in this section for failure to timely file a statement  
926 of financial interests in any year in which the omission  
927 occurred, but nevertheless is required to file the disclosure  
928 statement.



576-04187-19

20197040c2

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

933        (j)~~(i)~~ Notwithstanding any provision of chapter 120, any  
934 fine imposed under this subsection which is not waived by final  
935 order of the commission and which remains unpaid more than 60  
936 days after the notice of payment due or more than 60 days after  
937 the commission renders a final order on the appeal must be  
938 submitted to the Department of Financial Services as a claim,  
939 debt, or other obligation owed to the state, and the department  
940 shall assign the collection of such a fine to a collection agent  
941 as provided in s. 17.20.

942        (9) (a)~~(8) (a)~~ The appointing official or body shall notify  
943 each newly appointed local officer, state officer, or specified  
944 state employee, not later than the date of appointment, of the  
945 officer's or employee's duty to comply with the disclosure  
946 requirements of this section. The agency head of each employing  
947 agency shall notify each newly employed local officer or  
948 specified state employee, not later than the day of employment,  
949 of the officer's or employee's duty to comply with the  
950 disclosure requirements of this section. The appointing official  
951 or body or employing agency head may designate a person to be  
952 responsible for the notification requirements of this paragraph.

953        (b) The agency head of the agency of each local officer,  
954 state officer, or specified state employee who is required to  
955 file a statement of financial interests for the final disclosure  
956 period shall notify such persons of their obligation to file the  
957 final disclosure and may designate a person to be responsible

576-04187-19

20197040c2

958 for the notification requirements of this paragraph.

959 (c) If a person holding public office or public employment  
960 fails or refuses to file an annual statement of financial  
961 interests for any year in which the person received notice from  
962 the commission regarding the failure to file and has accrued the  
963 maximum automatic fine authorized under this section, regardless  
964 of whether the fine imposed was paid or collected, the  
965 commission shall initiate an investigation and conduct a public  
966 hearing without receipt of a complaint to determine whether the  
967 person's failure to file is willful. Such investigation and  
968 hearing must be conducted in accordance with s. 112.324. Except  
969 as provided in s. 112.324(4), if the commission determines that  
970 the person willfully failed to file a statement of financial  
971 interests, the commission shall enter an order recommending that  
972 the officer or employee be removed from his or her public office  
973 or public employment. The commission shall forward its  
974 recommendation as provided in s. 112.324.

975 ~~(10)(9)~~ A public officer who has filed a disclosure for any  
976 calendar or fiscal year shall not be required to file a second  
977 disclosure for the same year or any part thereof,  
978 notwithstanding any requirement of this act, except that any  
979 public officer who qualifies as a candidate for public office  
980 shall file a copy of the disclosure with the officer before whom  
981 he or she qualifies as a candidate at the time of qualification.

982 (11) (a) ~~(10) (a)~~ The commission shall treat an amendment to  
983 an amended annual statement of financial interests which is  
984 filed before September 1 of the year in which the statement is  
985 due as part of the original filing, regardless of whether a  
986 complaint has been filed. If a complaint alleges only an

576-04187-19

20197040c2

987 immaterial, inconsequential, or de minimis error or omission,  
988 the commission may not take any action on the complaint other  
989 than notifying the filer of the complaint. The filer must be  
990 given 30 days to file an amendment to the ~~amended~~ statement of  
991 financial interests correcting any errors. If the filer does not  
992 file an amendment to the ~~amended~~ statement of financial  
993 interests within 30 days after the commission sends notice of  
994 the complaint, the commission may continue with proceedings  
995 pursuant to s. 112.324.

996 (b) For purposes of the final statement of financial  
997 interests, the commission shall treat an amendment to a ~~new~~  
998 final statement of financial interests as part of the original  
999 filing, if filed within 60 days of the original filing  
1000 regardless of whether a complaint has been filed. If, more than  
1001 60 days after a final statement of financial interests is filed,  
1002 a complaint is filed alleging a complete omission of any  
1003 information required to be disclosed by this section, the  
1004 commission may immediately follow the complaint procedures in s.  
1005 112.324. However, if the complaint alleges an immaterial,  
1006 inconsequential, or de minimis error or omission, the commission  
1007 may not take any action on the complaint other than notifying  
1008 the filer of the complaint. The filer must be given 30 days to  
1009 file an amendment to the ~~a new~~ final statement of financial  
1010 interests correcting any errors. If the filer does not file an  
1011 amendment to the ~~a new~~ final statement of financial interests  
1012 within 30 days after the commission sends notice of the  
1013 complaint, the commission may continue with proceedings pursuant  
1014 to s. 112.324.

1015 (c) For purposes of this section, an error or omission is

576-04187-19

20197040c2

1016 immaterial, inconsequential, or de minimis if the original  
1017 filing provided sufficient information for the public to  
1018 identify potential conflicts of interest. However, failure to  
1019 certify completion of annual ethics training required under s.  
1020 112.3142 does not constitute an immaterial, inconsequential, or  
1021 de minimis error or omission.

1022 (12) (a) ~~(11) (a)~~ An individual required to file a statement  
1023 ~~disclosure~~ pursuant to this section may have the statement  
1024 ~~disclosure~~ prepared by an attorney in good standing with The  
1025 Florida Bar or by a certified public accountant licensed under  
1026 chapter 473. After preparing a statement ~~disclosure~~ form, the  
1027 attorney or certified public accountant must sign the form  
1028 indicating that he or she prepared the form in accordance with  
1029 this section and the instructions for completing and filing the  
1030 disclosure forms and that, upon his or her reasonable knowledge  
1031 and belief, the disclosure is true and correct. If a complaint  
1032 is filed alleging a failure to disclose information required by  
1033 this section, the commission shall determine whether the  
1034 information was disclosed to the attorney or certified public  
1035 accountant. The failure of the attorney or certified public  
1036 accountant to accurately transcribe information provided by the  
1037 individual who is required to file the statement ~~disclosure~~ does  
1038 not constitute a violation of this section.

1039 (b) An elected officer or candidate who chooses to use an  
1040 attorney or a certified public accountant to prepare his or her  
1041 statement ~~disclosure~~ may pay for the services of the attorney or  
1042 certified public accountant from funds in an office account  
1043 created pursuant to s. 106.141 or, during a year that the  
1044 individual qualifies for election to public office, the

576-04187-19

20197040c2

1045 candidate's campaign depository pursuant to s. 106.021.

1046 (13)~~(12)~~ The commission shall adopt rules and forms  
1047 specifying how a state officer, local officer, or specified  
1048 state employee may amend his or her statement of financial  
1049 interests to report information that was not included on the  
1050 form as originally filed. If the amendment is the subject of a  
1051 complaint filed under this part, the commission and the proper  
1052 disciplinary official or body shall consider as a mitigating  
1053 factor when considering appropriate disciplinary action the fact  
1054 that the amendment was filed before any complaint or other  
1055 inquiry or proceeding, while recognizing that the public was  
1056 deprived of access to information to which it was entitled.

1057 Section 5. Section 112.31455, Florida Statutes, is amended  
1058 to read:

1059 112.31455 Collection methods for unpaid automatic fines for  
1060 failure to timely file disclosure of financial interests.-

1061 (1) Before referring any unpaid fine accrued pursuant to s.  
1062 112.3144(8) or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~  
1063 to the Department of Financial Services, the commission shall  
1064 attempt to determine whether the individual owing such a fine is  
1065 a current public officer or current public employee. If so, the  
1066 commission may notify the Chief Financial Officer or the  
1067 governing body of the appropriate county, municipality, or  
1068 special district of the total amount of any fine owed to the  
1069 commission by such individual.

1070 (a) After receipt and verification of the notice from the  
1071 commission, the Chief Financial Officer or the governing body of  
1072 the county, municipality, or special district shall begin  
1073 withholding the lesser of 10 percent or the maximum amount

576-04187-19

20197040c2

1074 allowed under federal law from any salary-related payment. The  
1075 withheld payments shall be remitted to the commission until the  
1076 fine is satisfied.

1077 (b) The Chief Financial Officer or the governing body of  
1078 the county, municipality, or special district may retain an  
1079 amount of each withheld payment, as provided in s. 77.0305, to  
1080 cover the administrative costs incurred under this section.

1081 (2) If the commission determines that the individual who is  
1082 the subject of an unpaid fine accrued pursuant to s. 112.3144(8)  
1083 or s. 112.3145(8) ~~s. 112.3144(5) or s. 112.3145(7)~~ is no longer  
1084 a public officer or public employee or if the commission is  
1085 unable to determine whether the individual is a current public  
1086 officer or public employee, the commission may, 6 months after  
1087 the order becomes final, seek garnishment of any wages to  
1088 satisfy the amount of the fine, or any unpaid portion thereof,  
1089 pursuant to chapter 77. Upon recording the order imposing the  
1090 fine with the clerk of the circuit court, the order shall be  
1091 deemed a judgment for purposes of garnishment pursuant to  
1092 chapter 77.

1093 (3) The commission may refer unpaid fines to the  
1094 appropriate collection agency, as directed by the Chief  
1095 Financial Officer, to utilize any collection methods provided by  
1096 law. Except as expressly limited by this section, any other  
1097 collection methods authorized by law are allowed.

1098 (4) Action may be taken to collect any unpaid fine imposed  
1099 by ss. 112.3144 and 112.3145 within 20 years after the date the  
1100 final order is rendered.

1101 Section 6. Except as otherwise expressly provided in this  
1102 act, this act shall take effect upon becoming a law.