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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/10/2022	.	
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The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) and paragraph (a) of subsection
(7) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to
federal, state, county, or district office.—

(5) At the time of qualifying for office, each candidate
for a constitutional office and each candidate for other
elective office subject to an annual filing requirement under s.



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12 112.3144 shall file a full and public disclosure of financial
13 interests pursuant to s. 8, Art. II of the State Constitution,
14 which must be verified under oath or affirmation pursuant to s.
15 92.525(1)(a), and a candidate for any other office, including
16 local elective office, shall file a statement of financial
17 interests pursuant to s. 112.3145. A candidate subject to an
18 annual filing requirement under s. 112.3144 may submit a
19 verification or receipt of electronic filing pursuant to s.
20 112.3144(4). A candidate subject to an annual filing requirement
21 under s. 112.3145 may file a verification or receipt of
22 electronic filing pursuant to s. 112.3145(2)(c) unless the
23 candidate is required to file a full and public disclosure of
24 financial interests pursuant to s. 8, Art. II of the State
25 Constitution or this subsection.

26 (7)(a) In order for a candidate to be qualified, the
27 following items must be received by the filing officer by the
28 end of the qualifying period:

29 1. A properly executed check drawn upon the candidate's
30 campaign account payable to the person or entity as prescribed
31 by the filing officer in an amount not less than the fee
32 required by s. 99.092, unless the candidate obtained the
33 required number of signatures on petitions pursuant to s.
34 99.095. The filing fee for a special district candidate is not
35 required to be drawn upon the candidate's campaign account. If a
36 candidate's check is returned by the bank for any reason, the
37 filing officer must ~~shall~~ immediately notify the candidate, and
38 the candidate has ~~shall have~~ until the end of qualifying to pay
39 the fee with a cashier's check purchased from funds of the
40 campaign account. Failure to pay the fee as provided in this



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41 subparagraph disqualifies ~~shall disqualify~~ the candidate.

42 2. The candidate's oath required by s. 99.021, which must
43 contain the name of the candidate as it is to appear on the
44 ballot; the office sought, including the district or group
45 number if applicable; and the signature of the candidate, which
46 must be verified under oath or affirmation pursuant to s.
47 92.525(1) (a).

48 3. If the office sought is partisan, the written statement
49 of political party affiliation required by s. 99.021(1) (b); or
50 if the candidate is running without party affiliation for a
51 partisan office, the written statement required by s.
52 99.021(1) (c).

53 4. The completed form for the appointment of campaign
54 treasurer and designation of campaign depository, as required by
55 s. 106.021.

56 5. The full and public disclosure or statement of financial
57 interests required by subsection (5). A public officer who has
58 filed the full and public disclosure or statement of financial
59 interests with the Commission on Ethics or the supervisor of
60 elections before ~~prior to~~ qualifying for office may file a copy
61 of that disclosure at the time of qualifying or a verification
62 or receipt of electronic filing as provided in subsection (5).

63 Section 2. Paragraph (a) of subsection (1), subsection (2),
64 paragraph (c) of subsection (6), paragraphs (a) and (c) of
65 subsection (7), and subsection (8) of section 112.3144, Florida
66 Statutes, are amended, and paragraphs (d) and (e) are added to
67 subsection (1) of that section, to read:

68 112.3144 Full and public disclosure of financial
69 interests.—



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70 (1) (a) An officer ~~who is~~ required by s. 8, Art. II of the
71 State Constitution to file a full and public disclosure of his
72 or her financial interests for any calendar or fiscal year, or
73 any other person required by law to file a disclosure under this
74 section, shall file that disclosure with the Florida Commission
75 on Ethics. Additionally, an officer ~~who is~~ required to file a
76 full and public disclosure of his or her financial interests
77 under this part and to complete annual ethics training pursuant
78 to s. 112.3142 must certify on his or her full and public
79 disclosure of financial interests that he or she has completed
80 the required training.

81 (d) The following local officers must comply with the
82 financial disclosure requirements of s. 8, Art. II of the State
83 Constitution and this section:

84 1. Mayors.

85 2. City commissioners.

86 3. Elected members of a city council; town council; village
87 council; or other governing body of a city, town, or village.

88 4. City, county, town, or village managers.

89 (e) Each member of the commission and the Florida Elections
90 Commission must comply with the financial disclosure
91 requirements of s. 8, Art. II of the State Constitution and this
92 section.

93 (2) Beginning January 1, 2023 ~~2022~~, all disclosures filed
94 with the commission must be filed electronically through an
95 electronic filing system that is created and maintained by the
96 commission as provided in s. 112.31446. Through December 31,
97 2022, the commission must accept disclosures filed either in
98 paper form or filed electronically through the electronic filing



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99 system. The commission shall post a notice on its website
100 informing filers that paper forms will be accepted for filing
101 through December 31, 2022. The commission may not remove the
102 notice until January 1, 2023.

103 (6)

104 (c) Each separate source and amount of income which exceeds
105 \$1,000 must be identified. For the purposes of reporting income,
106 the commission shall accept federal income tax returns,
107 financial statements, and other forms or attachments showing
108 sources of income ~~Beginning January 1, 2022, a federal income~~
109 ~~tax return may not be used for purposes of reporting income, and~~
110 ~~the commission may not accept a federal income tax return or a~~
111 ~~copy thereof.~~

112 (7) (a) Beginning January 1, 2022, a filer may not include
113 in a filing to the commission ~~a federal income tax return or a~~
114 ~~copy thereof;~~ a social security number; a bank, mortgage, or
115 brokerage account number; a debit, charge, or credit card
116 number; a personal identification number; or a taxpayer
117 identification number. If a filer includes such information in
118 his or her filing, the information may be made available as part
119 of the official records of the commission available for public
120 inspection and copying unless redaction is requested by the
121 filer. The commission is not liable for the release of social
122 security numbers or bank account, debit, charge, or credit card
123 numbers included in a filing to the commission if the filer has
124 not requested redaction of such information.

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



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128 1. Any filer submitting information through the electronic
129 filing system may not include ~~a federal income tax return or a~~
130 ~~copy thereof~~; a social security number; a bank, mortgage, or
131 brokerage account number; a debit, charge, or credit card
132 number; a personal identification number; or a taxpayer
133 identification number in any filing unless required by law.

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

136 3. Any filer has a right to request that the commission
137 redact from his or her filing any social security number, bank
138 account number, or debit, charge, or credit card number
139 contained in the filing. Such request must be made in writing
140 and delivered to the commission. The request must specify the
141 information to be redacted and the specific section or sections
142 of the disclosure in which it was included.

143 (8) Forms or fields of information for compliance with the
144 full and public disclosure requirements of s. 8, Art. II of the
145 State Constitution shall be prescribed by the commission. The
146 commission shall allow a filer to include attachments or other
147 supporting documentation when filing a disclosure. The
148 commission shall give notice of disclosure deadlines and
149 delinquencies and distribute forms in the following manner:

150 (a) Not later than May 1 of each year, the commission shall
151 prepare a current list of the names, e-mail addresses, and
152 physical addresses of and the offices held by every person
153 required to file full and public disclosure annually by s. 8,
154 Art. II of the State Constitution, or other state law. Each unit
155 of government shall assist the commission in compiling the list
156 by providing to the commission not later than February 1 of each



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157 year the name, e-mail address, physical address, and name of the
158 office held by such person within the respective unit of
159 government as of December 31 of the preceding year.

160 (b) Not later than June 1 of each year, the commission
161 shall distribute a copy of the form prescribed for compliance
162 with full and public disclosure and a notice of the filing
163 deadline to each person on the list. Beginning January 1, 2023
164 ~~2022~~, ~~no~~ paper forms will not be provided. The notice required
165 under this paragraph and instructions for electronic submission
166 of the form and any accompanying attachments must be delivered
167 by e-mail.

168 (c) Not later than August 1 of each year, the commission
169 shall determine which persons on the list have failed to file
170 full and public disclosure and shall send delinquency notices to
171 such persons. Each notice must state that a grace period is in
172 effect until September 1 of the current year. Beginning January
173 1, 2023 ~~2022~~, the notice required under this paragraph must be
174 delivered by e-mail and must be redelivered on a weekly basis by
175 e-mail as long as a person remains delinquent.

176 (d) Disclosures must be received by the commission not
177 later than 5 p.m. of the due date. However, any disclosure that
178 is postmarked by the United States Postal Service by midnight of
179 the due date is deemed to have been filed in a timely manner,
180 and a certificate of mailing obtained from and dated by the
181 United States Postal Service at the time of the mailing, or a
182 receipt from an established courier company which bears a date
183 on or before the due date, constitutes proof of mailing in a
184 timely manner. Beginning January 1, 2023 ~~2022~~, upon request of
185 the filer, the commission must provide verification to the filer



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186 that the commission has received the filed disclosure.

187 (e) Beginning January 1, 2023 ~~2022~~, a written declaration,
188 as provided for under s. 92.525(2), accompanied by an electronic
189 signature satisfies the requirement that the disclosure be
190 sworn.

191 (f) Any person who is required to file full and public
192 disclosure of financial interests and whose name is on the
193 commission's list, and to whom notice has been sent, but who
194 fails to timely file is assessed a fine of \$25 per day for each
195 day late up to a maximum of \$1,500; however this \$1,500
196 limitation on automatic fines does not limit the civil penalty
197 that may be imposed if the statement is filed more than 60 days
198 after the deadline and a complaint is filed, as provided in s.
199 112.324. The commission must provide by rule the grounds for
200 waiving the fine and the procedures by which each person whose
201 name is on the list and who is determined to have not filed in a
202 timely manner will be notified of assessed fines and may appeal.
203 The rule must provide for and make specific the following:

204 1. The amount of the fine due is based upon the earliest of
205 the following:

- 206 a. When a statement is actually received by the office.
- 207 b. When the statement is postmarked.
- 208 c. When the certificate of mailing is dated.
- 209 d. When the receipt from an established courier company is
210 dated.

211 2. Upon receipt of the disclosure statement or upon accrual
212 of the maximum penalty, whichever occurs first, the commission
213 shall determine the amount of the fine which is due and shall
214 notify the delinquent person. The notice must include an



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215 explanation of the appeal procedure under subparagraph 3. Such
216 fine must be paid within 30 days after the notice of payment due
217 is transmitted, unless appeal is made to the commission pursuant
218 to subparagraph 3. The moneys shall be deposited into the
219 General Revenue Fund.

220 3. Any reporting person may appeal or dispute a fine, based
221 upon unusual circumstances surrounding the failure to file on
222 the designated due date, and may request and is entitled to a
223 hearing before the commission, which may waive the fine in whole
224 or in part for good cause shown. Any such request must be in
225 writing and received by the commission within 30 days after the
226 notice of payment due is transmitted. In such a case, the
227 reporting person must, within the 30-day period, notify the
228 person designated to review the timeliness of reports in writing
229 of his or her intention to bring the matter before the
230 commission. For purposes of this subparagraph, "unusual
231 circumstances" does not include the failure to monitor an e-mail
232 account or failure to receive notice if the person has not
233 notified the commission of a change in his or her e-mail
234 address.

235 (g) Any person subject to the annual filing of full and
236 public disclosure under s. 8, Art. II of the State Constitution,
237 or other state law, whose name is not on the commission's list
238 of persons required to file full and public disclosure is not
239 subject to the fines or penalties provided in this part for
240 failure to file full and public disclosure in any year in which
241 the omission occurred, but nevertheless is required to file the
242 disclosure statement.

243 (h) The notification requirements and fines of this



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244 subsection do not apply to candidates or to the first filing
245 required of any person appointed to elective constitutional
246 office or other position required to file full and public
247 disclosure, unless the person's name is on the commission's
248 notification list and the person received notification from the
249 commission. The appointing official shall notify such newly
250 appointed person of the obligation to file full and public
251 disclosure by July 1. The notification requirements and fines of
252 this subsection do not apply to the final filing provided for in
253 subsection (10).

254 (i) Notwithstanding any provision of chapter 120, any fine
255 imposed under this subsection which is not waived by final order
256 of the commission and which remains unpaid more than 60 days
257 after the notice of payment due or more than 60 days after the
258 commission renders a final order on the appeal must be submitted
259 to the Department of Financial Services as a claim, debt, or
260 other obligation owed to the state, and the department shall
261 assign the collection of such fine to a collection agent as
262 provided in s. 17.20.

263 Section 3. Subsections (4), (5), and (6) are added to
264 section 112.31445, Florida Statutes, to read:

265 112.31445 Electronic filing system; full and public
266 disclosure of financial interests.—

267 (4) The commission shall publish a notice on the electronic
268 filing system instructing filers to redact a social security
269 number; a bank, mortgage, or brokerage account number; a debit,
270 charge, or credit card number; a personal identification number;
271 or a taxpayer identification number in their filings.

272 (5) The commission shall post a notice on the main webpage



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273 of the electronic filing system informing filers that paper
274 forms will be accepted for filing through December 31, 2022, in
275 accordance with s. 112.3144(2). The commission may not remove
276 the notice until January 1, 2023.

277 (6) The electronic filing system must allow a filer to
278 include attachments or other supporting documentation when
279 submitting a disclosure through the system.

280 Section 4. Paragraph (f) is added to subsection (2) of
281 section 112.31446, Florida Statutes, to read:

282 112.31446 Electronic filing system for financial
283 disclosure.—

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

287 (f) Allow a filer to include attachments or other
288 supporting documentation when submitting a disclosure through
289 the system.

290 Section 5. Paragraphs (b), (d), and (e) of subsection (2),
291 paragraphs (a) and (c) of subsection (4), and paragraphs (b) and
292 (c) of subsection (8) of section 112.3145, Florida Statutes, are
293 amended to read:

294 112.3145 Disclosure of financial interests and clients
295 represented before agencies.—

296 (2)

297 (b) Each state or local officer, except local officers
298 specified in s. 112.3144(1)(d), and each specified state
299 employee shall file a statement of financial interests no later
300 than July 1 of each year. Each state officer, local officer, and
301 specified state employee shall file a final statement of



302 financial interests within 60 days after leaving his or her
303 public position for the period between January 1 of the year in
304 which the person leaves and the last day of office or
305 employment, unless within the 60-day period the person takes
306 another public position requiring financial disclosure under
307 this section or s. 8, Art. II of the State Constitution or
308 otherwise is required to file full and public disclosure or a
309 statement of financial interests for the final disclosure
310 period. Each state or local officer who is appointed and each
311 specified state employee who is employed shall file a statement
312 of financial interests within 30 days after ~~from~~ the date of
313 appointment or, in the case of a specified state employee, after
314 ~~from~~ the date on which the employment begins, except that any
315 person whose appointment is subject to confirmation by the
316 Senate shall file before ~~prior to~~ confirmation hearings or
317 within 30 days after ~~from~~ the date of appointment, whichever
318 comes first.

319 (d) State officers and specified state employees shall file
320 their statements of financial interests with the commission.
321 Through December 31, 2022, local officers shall file their
322 statements of financial interests with the supervisor of
323 elections of the county in which they permanently reside.
324 Through December 31, 2022, local officers who do not permanently
325 reside in any county in this ~~the~~ state shall file their
326 statements of financial interests with the supervisor of
327 elections of the county in which their agency maintains its
328 headquarters. Persons seeking to qualify as candidates for local
329 public office shall file their statements of financial interests
330 with the officer before whom they qualify.



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331 (e) Beginning January 1, 2023, a statement of financial
332 interests and a final statement of financial interests, and any
333 amendments thereto, or any other form required by this section,
334 except any statement of a candidate who is not subject to an
335 annual filing requirement, all statements filed with the
336 ~~commission~~ must be filed electronically through an electronic
337 filing system ~~that is~~ created and maintained by the commission
338 as provided in s. 112.31446. Through December 31, 2022, the
339 commission must accept from filers who file with the commission
340 a statement of financial interests, a final statement of
341 financial interests, and any amendments thereto or any other
342 form required by this section submitted in paper form and may
343 accept such statements, amendments, or other forms filed
344 electronically. The commission shall post a notice on its
345 website informing filers who file with the commission that paper
346 forms will be accepted for filing through December 31, 2022. The
347 commission may not remove the notice until January 1, 2023.

348 (4) (a) Beginning January 1, 2023, a filer may not include
349 in a filing to the commission ~~a federal income tax return or a~~
350 ~~copy of thereof;~~ a social security number; a bank, mortgage, or
351 brokerage account number; a debit, charge, or credit card
352 number; a personal identification number; or a taxpayer
353 identification number. If a filer includes such information in
354 his or her filing, the information may be made available as part
355 of the official records of the commission available for public
356 inspection and copying unless redaction is requested by the
357 filer. The commission is not liable for the release of social
358 security numbers, bank account numbers, or debit, charge, or
359 credit card numbers included in a filing to the commission if



360 the filer has not requested redaction of the information.

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

364 1. Any filer submitting information through the electronic
365 filing system may not include ~~a federal income tax return or a~~
366 ~~copy thereof~~; a social security number; a bank, mortgage, or
367 brokerage account number; a debit, charge, or credit card
368 number; a personal identification number; or a taxpayer
369 identification number in any filing unless required by law.

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

372 3. Any filer has a right to request that the commission
373 redact from his or her filing any social security number, bank
374 account number, or debit, charge, or credit card number
375 contained in the filing. Such request must be made in writing
376 and delivered to the commission. The request must specify the
377 information to be redacted and the specific section or sections
378 of the disclosure in which it was included.

379 (8) Forms for compliance with the disclosure requirements
380 of this section and a current list of persons subject to
381 disclosure shall be created by the commission and provided to
382 each supervisor of elections. The commission and each supervisor
383 of elections shall give notice of disclosure deadlines and
384 delinquencies and distribute forms in the following manner:

385 (b) Not later than June 1 of each year, the commission and
386 each supervisor of elections, as appropriate, shall distribute a
387 copy of the form prescribed for compliance with subsection (3)
388 and a notice of all applicable disclosure forms and filing



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389 deadlines to each person required to file a statement of
390 financial interests. Beginning January 1, 2023, ~~no~~ paper forms
391 will not be provided. The notice required under this paragraph
392 and instructions for electronic submission must be delivered by
393 e-mail.

394 (c) Not later than August 1 of each year, the commission
395 and each supervisor of elections shall determine which persons
396 required to file a statement of financial interests in their
397 respective offices have failed to do so and shall send
398 delinquency notices to these persons. Through December 31, 2022,
399 delinquency notices must be sent by certified mail, return
400 receipt requested. Each notice must state that a grace period is
401 in effect until September 1 of the current year; that no
402 investigative or disciplinary action based upon the delinquency
403 will be taken by the agency head or commission if the statement
404 is filed by September 1 of the current year; that, if the
405 statement is not filed by September 1 of the current year, a
406 fine of \$25 for each day late will be imposed, up to a maximum
407 penalty of \$1,500; for notices distributed by a supervisor of
408 elections, that he or she is required by law to notify the
409 commission of the delinquency; and that, if upon the filing of a
410 sworn complaint the commission finds that the person has failed
411 to timely file the statement within 60 days after September 1 of
412 the current year, such person will also be subject to the
413 penalties provided in s. 112.317. Beginning January 1, 2023,
414 notice required under this paragraph:

415 1. May not be sent by certified mail.

416 2. Must be delivered by e-mail and must be redelivered on a
417 weekly basis by e-mail as long as the person remains delinquent.



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418 Section 6. Paragraph (a) of subsection (11) of section
419 112.324, Florida Statutes, is amended to read:

420 112.324 Procedures on complaints of violations and
421 referrals; public records and meeting exemptions.—

422 (11) (a) Notwithstanding subsections (1)-(8), the commission
423 may dismiss any complaint or referral at any stage of
424 disposition if it determines that the violation that is alleged
425 or has occurred is a de minimis violation attributable to
426 inadvertent or unintentional error. In determining whether a
427 violation was de minimis, the commission shall consider whether
428 the interests of the public were protected despite the
429 violation. ~~This subsection does not apply to complaints or~~
430 ~~referrals pursuant to ss. 112.3144 and 112.3145.~~

431 Section 7. This act shall take effect upon becoming a law.

432
433 ===== T I T L E A M E N D M E N T =====

434 And the title is amended as follows:

435 Delete everything before the enacting clause
436 and insert:

437 A bill to be entitled
438 An act relating to financial disclosures; amending s.
439 99.061, F.S.; revising qualification requirements for
440 certain candidates; amending s. 112.3144, F.S.;
441 requiring specified local officers to file a full and
442 public disclosure of financial interests; requiring
443 members of the Commission on Ethics and the Florida
444 Elections Commission to file a full and public
445 disclosure of financial interests; revising the date
446 by which full and public disclosure of financial



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447 interests must be filed electronically; requiring the
448 Commission on Ethics to accept disclosures in either
449 paper or electronic form through a specified date;
450 requiring the commission to post a specified notice on
451 its website for a certain timeframe; requiring the
452 commission to accept federal income tax returns,
453 financial statements, and other forms or attachments
454 showing sources of income for a specified purpose;
455 deleting the prohibition on including a federal income
456 tax return or a copy thereof for certain filings;
457 revising the date by which paper forms will no longer
458 be provided; revising the date by which certain
459 notices must be delivered electronically; revising the
460 date by which the commission must provide verification
461 of receiving a disclosure, upon the request of the
462 filer; revising the date by which a written
463 declaration satisfies the condition that the
464 disclosure be sworn; amending s. 112.31445, F.S.;
465 requiring the commission to publish a specified notice
466 regarding electronic filing to filers; requiring the
467 commission to post a specified notice regarding paper
468 forms for a certain timeframe; providing an additional
469 specification for the electronic filing of full and
470 public disclosures; amending s. 112.31446, F.S.;
471 revising minimum requirements for the electronic
472 filing system; amending s. 112.3145, F.S.; exempting
473 specified local officers from filing a statement of
474 financial interests to conform to changes made by the
475 act; requiring certain local officers to file their



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476 statements of financial interests with a specified
477 supervisor of elections until a specified date;
478 requiring the electronic filing of certain documents
479 after a specified date; requiring the commission to
480 accept statements of financial interests, final
481 statements of financial interests, and any amendments
482 thereto, or any other forms submitted in paper form
483 until a specified date; authorizing such financial
484 statements, amendments, or other forms to be filed
485 electronically; requiring the commission to post a
486 specified notice on its website for a certain
487 timeframe; removing the prohibition on including a
488 federal income tax return or a copy thereof in a
489 filing; requiring certain delinquency notices to be
490 sent by certified mail until a specified date;
491 prohibiting certain delinquency notices from being
492 sent by certified mail after a specified date;
493 amending s. 112.324, F.S.; authorizing the commission
494 to dismiss financial disclosure complaints alleging de
495 minimis violations; providing an effective date.