

By the Committees on Rules; and Ethics and Elections; and
Senator Brodeur

595-03337-23

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1 A bill to be entitled
2 An act relating to ethics requirements for public
3 officials; amending s. 99.061, F.S.; requiring
4 candidates for specified elective offices to file a
5 full and public disclosure at the time of qualifying;
6 authorizing candidates to file a certain verification
7 or receipt with the qualifying officer unless certain
8 conditions exist; conforming provisions to changes
9 made by the act; amending s. 112.3142, F.S.; revising
10 legislative intent; requiring commissioners of
11 community redevelopment agencies to complete annual
12 ethics training; exempting commissioners who assumed
13 office after a specified date from completing the
14 required annual ethics training for that calendar
15 year; reenacting and amending s. 112.3144, F.S.;
16 requiring specified local officers to file full and
17 public disclosures; requiring the Commission on Ethics
18 to accept federal income tax returns and any
19 attachments or schedules for a specified purpose;
20 deleting the prohibition on including a federal income
21 tax return or a copy thereof for certain filings;
22 requiring the commission to allow a filer to include
23 attachments and other supporting documentation with
24 his or her disclosure; revising the notice the
25 commission sends to specified persons by e-mail;
26 requiring that disclosure statements be filed using
27 the commission's electronic filing system; revising
28 the deadline for disclosures to be received by the
29 commission; deleting provisions relating to financial

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30 statements filed by mail; revising a provision
31 requiring the commission to adopt a specified rule;
32 requiring an individual appointed to replace an
33 elected local officer who leaves office before the end
34 of his or her term to file a full and public
35 disclosure of financial interests annually for the
36 remainder of his or her term in office; amending s.
37 112.31445, F.S.; requiring the commission to publish a
38 specified notice on the electronic filing system for
39 the disclosure of financial interests; requiring that
40 the filing system allow a filer to include attachments
41 and other supporting documentation; amending s.
42 112.31446, F.S.; requiring that the electronic filing
43 system allow a filer to submit attachments and other
44 supporting documentation when a disclosure is filed;
45 reenacting and amending s. 112.3145, F.S.; deleting a
46 prohibition on including a federal income tax return
47 or copy thereof in a financial disclosure; deleting a
48 provision requiring specified local officers to file
49 reports with the supervisor of elections of the
50 officer's county of principal employment or residence;
51 requiring local officers to file their quarterly
52 reports of the names of clients they represent for a
53 fee or commission with the Commission on Ethics;
54 deleting a provision requiring the commission to
55 provide a specified list to the supervisors of
56 elections; requiring the commission to allow a filer
57 to include attachments or other documentation when
58 filing a disclosure; deleting a provision requiring

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59 the commission to provide the supervisors of elections
60 a certain list annually by a specified date; requiring
61 the commission to provide a certain notice by e-mail,
62 beginning on a specified date; providing that,
63 beginning on a specified date, paper forms will no
64 longer be provided; requiring the commission, before a
65 specified date, to determine which persons have not
66 submitted a required statement and to send delinquency
67 notices to such persons; requiring that disclosure
68 statements be filed using the electronic filing
69 system, beginning on a specified date; revising the
70 criteria for a rule that the commission must adopt
71 regarding the electronic filing of disclosure
72 statements; requiring the commission to determine the
73 amount of fines for all delinquent filers, beginning
74 on a specified date; conforming provisions to changes
75 made by the act; amending s. 112.317, F.S.; increasing
76 the maximum civil penalty allowed for certain
77 violations related to statements of financial
78 disclosure; amending s. 112.3215, F.S.; requiring the
79 commission to investigate specified entities or
80 individuals that intentionally failed to disclose any
81 material fact or that knowingly submitted false
82 information in certain required reports; authorizing
83 the commission to dismiss certain complaints and
84 investigations; requiring the commission to issue a
85 specified public report if it dismisses such a
86 complaint or investigation; making technical changes;
87 amending s. 112.324, F.S.; revising applicability;

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88 requiring the commission to revise financial
89 disclosure forms and rules for the 2022 filing year to
90 conform to changes made by the act; exempting such
91 revisions from specified rulemaking requirements;
92 providing an effective date.

93

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

95

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

98 99.061 Method of qualifying for nomination or election to
99 federal, state, county, or district office.—

100 (5) At the time of qualifying for office, each candidate
101 for a constitutional office, or for another elective office
102 subject to an annual filing requirement pursuant to s. 112.3144,
103 shall file a full and public disclosure of financial interests
104 pursuant to s. 8, Art. II of the State Constitution, which must
105 be verified under oath or affirmation pursuant to s.
106 92.525(1)(a), and a candidate for any other office, including
107 local elective office, shall file a statement of financial
108 interests pursuant to s. 112.3145. A candidate who is subject to
109 an annual filing requirement under s. 112.3144 may file a
110 verification or receipt of electronic filing pursuant to s.
111 112.3144(4). A candidate who is subject to an annual filing
112 requirement under s. 112.3145 may file a verification or receipt
113 of electronic filing pursuant to s. 112.3145(2)(c) unless the
114 candidate is required to file a full and public disclosure of
115 financial interests pursuant to s. 8, Art. II of the State
116 Constitution or this subsection.

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

120 1. A properly executed check drawn upon the candidate's
121 campaign account payable to the person or entity as prescribed
122 by the filing officer in an amount not less than the fee
123 required by s. 99.092, unless the candidate obtained the
124 required number of signatures on petitions pursuant to s.
125 99.095. The filing fee for a special district candidate is not
126 required to be drawn upon the candidate's campaign account. If a
127 candidate's check is returned by the bank for any reason, the
128 filing officer shall immediately notify the candidate and the
129 candidate shall have until the end of qualifying to pay the fee
130 with a cashier's check purchased from funds of the campaign
131 account. Failure to pay the fee as provided in this subparagraph
132 shall disqualify the candidate.

133 2. The candidate's oath required by s. 99.021, which must
134 contain the name of the candidate as it is to appear on the
135 ballot; the office sought, including the district or group
136 number if applicable; and the signature of the candidate, which
137 must be verified under oath or affirmation pursuant to s.
138 92.525(1) (a).

139 3. If the office sought is partisan, the written statement
140 of political party affiliation required by s. 99.021(1) (b); or
141 if the candidate is running without party affiliation for a
142 partisan office, the written statement required by s.
143 99.021(1) (c).

144 4. The completed form for the appointment of campaign
145 treasurer and designation of campaign depository, as required by

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146 s. 106.021.

147 5. The full and public disclosure or statement of financial
148 interests required by subsection (5). A public officer who has
149 filed the full and public disclosure or statement of financial
150 interests with the Commission on Ethics before ~~or the supervisor~~
151 ~~of elections prior to~~ qualifying for office may file a copy of
152 that disclosure or a verification or receipt of electronic
153 filing as provided in subsection (5) at the time of qualifying.

154 Section 2. Paragraph (e) of subsection (2) of section
155 112.3142, Florida Statutes, is amended to read:

156 112.3142 Ethics training for specified constitutional
157 officers, elected municipal officers, and commissioners.—

158 (2)

159 (e) The Legislature intends that a constitutional officer,
160 a commissioner of a community redevelopment agency, or an
161 elected municipal officer who is required to complete ethics
162 training pursuant to this section receive the required training
163 as close as possible to the date that he or she assumes office.
164 A constitutional officer, a commissioner of a community
165 redevelopment agency, or an elected municipal officer assuming a
166 new office or new term of office on or before March 31 must
167 complete the annual training on or before December 31 of the
168 year in which the term of office began. A constitutional
169 officer, a commissioner of a community redevelopment agency, or
170 an elected municipal officer assuming a new office or new term
171 of office after March 31 is not required to complete ethics
172 training for the calendar year in which the term of office
173 began.

174 Section 3. Notwithstanding the expiration date in section

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175 92 of chapter 2022-157, Laws of Florida, paragraph (c) of
176 subsection (6), paragraphs (a) and (c) of subsection (7), and
177 subsections (8) and (10) of section 112.3144, Florida Statutes,
178 are reenacted and amended, and paragraph (d) is added to
179 subsection (1) of that section, to read:

180 112.3144 Full and public disclosure of financial
181 interests.—

182 (1)

183 (d) Beginning January 1, 2024, the following local officers
184 must comply with the financial disclosure requirements of s. 8,
185 Art. II of the State Constitution and this section:

186 1. Mayors.

187 2. Elected members of the governing body of a municipality.

188 (6)

189 (c) Each separate source and amount of income which exceeds
190 \$1,000 must be identified. For the purpose of a filer reporting
191 income, the commission shall accept federal income tax returns.
192 If a filer submits a federal income tax return for the purpose
193 of reporting income, he or she must also include all attachments
194 and schedules associated with such federal income tax return
195 ~~Beginning January 1, 2023, a federal income tax return may not~~
196 ~~be used for purposes of reporting income, and the commission may~~
197 ~~not accept a federal income tax return or a copy thereof.~~

198 (7) (a) Beginning January 1, 2023, a filer may not include
199 in a filing to the commission ~~a federal income tax return or a~~
200 ~~copy thereof;~~ a social security number; a bank, mortgage, or
201 brokerage account number; a debit, charge, or credit card
202 number; a personal identification number; or a taxpayer
203 identification number. If a filer includes such information in

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

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

214 1. Any filer submitting information through the electronic
215 filing system may not include ~~a federal income tax return or a~~
216 ~~copy thereof~~; a social security number; a bank, mortgage, or
217 brokerage account number; a debit, charge, or credit card
218 number; a personal identification number; or a taxpayer
219 identification number in any filing unless required by law.

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

222 3. Any filer has a right to request that the commission
223 redact from his or her filing any social security number, bank
224 account number, or debit, charge, or credit card number
225 contained in the filing. Such request must be made in writing
226 and delivered to the commission. The request must specify the
227 information to be redacted and the specific section or sections
228 of the disclosure in which it was included.

229 (8) Forms or fields of information for compliance with the
230 full and public disclosure requirements of s. 8, Art. II of the
231 State Constitution must ~~shall~~ be prescribed by the commission.
232 The commission shall allow a filer to include attachments or

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233 other supporting documentation when filing a disclosure. The
234 commission shall give notice of disclosure deadlines and
235 delinquencies and distribute forms in the following manner:

236 (a) Not later than May 1 of each year, the commission shall
237 prepare a current list of the names, e-mail addresses, and
238 physical addresses of and the offices held by every person
239 required to file full and public disclosure annually by s. 8,
240 Art. II of the State Constitution, or other state law. Each unit
241 of government shall assist the commission in compiling the list
242 by providing to the commission not later than February 1 of each
243 year the name, e-mail address, physical address, and name of the
244 office held by such person within the respective unit of
245 government as of December 31 of the preceding year.

246 (b) Not later than June 1 of each year, the commission
247 shall notify by e-mail all persons required to file a full and
248 public disclosure of financial interests of all of the
249 following:

250 1. All applicable filing deadlines for completing and
251 filing the full and public disclosure of financial interests
252 prescribed under subsection (3) on the electronic filing system.

253 2. Instructions on how to complete and file the full and
254 public disclosure of financial interests as prescribed by
255 subsection (3) on the electronic filing system, or where to
256 access such instructions.

257
258 Beginning January 1, 2023, paper forms may not be provided and
259 persons required to file a full and public disclosure of
260 financial interests must complete and file their disclosures on
261 the electronic filing system pursuant to subsection (2) ~~Not~~

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262 ~~later than June 1 of each year, the commission shall distribute~~
263 ~~a copy of the form prescribed for compliance with full and~~
264 ~~public disclosure and a notice of the filing deadline to each~~
265 ~~person on the list. Beginning January 1, 2022, no paper forms~~
266 ~~will be provided by mail. The notice required under this~~
267 ~~paragraph and instructions for electronic submission must be~~
268 ~~delivered by e-mail.~~

269 (c) Not later than August 1 of each year, the commission
270 shall determine which persons on the list have failed to file
271 full and public disclosure and shall send delinquency notices to
272 such persons. Each notice must state that a grace period is in
273 effect until September 1 of the current year. ~~Beginning January~~
274 ~~1, 2022,~~ The notice required under this paragraph must be
275 delivered by e-mail and must be redelivered on a weekly basis by
276 e-mail as long as a person remains delinquent.

277 (d) Disclosures must be received by the commission not
278 later than 11:59 ~~5~~ p.m. of the due date. ~~However, any disclosure~~
279 ~~that is postmarked by the United States Postal Service by~~
280 ~~midnight of the due date is deemed to have been filed in a~~
281 ~~timely manner, and a certificate of mailing obtained from and~~
282 ~~dated by the United States Postal Service at the time of the~~
283 ~~mailing, or a receipt from an established courier company which~~
284 ~~bears a date on or before the due date, constitutes proof of~~
285 ~~mailing in a timely manner.~~ Beginning January 1, 2023, upon
286 request of the filer, the commission must provide verification
287 to the filer that the commission has received the filed
288 disclosure.

289 (e) Beginning January 1, 2023, a written declaration, as
290 provided for under s. 92.525(2), accompanied by an electronic

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291 signature satisfies the requirement that the disclosure be
292 sworn.

293 (f) Any person who is required to file full and public
294 disclosure of financial interests and whose name is on the
295 commission's list, and to whom notice has been sent, but who
296 fails to timely file is assessed a fine of \$25 per day for each
297 day late up to a maximum of \$1,500; however this \$1,500
298 limitation on automatic fines does not limit the civil penalty
299 that may be imposed if the statement is filed more than 60 days
300 after the deadline and a complaint is filed, as provided in s.
301 112.324. The commission must provide by rule the grounds for
302 waiving the fine and the procedures by which each person whose
303 name is on the list and who is determined to have not filed in a
304 timely manner will be notified of assessed fines and may appeal.
305 The rule must provide for and make specific that the amount of
306 the fine due is based upon when the disclosure is filed on the
307 electronic filing system created and maintained by the
308 commission as provided in s. 112.31446. ~~the following:~~

309 ~~1. The amount of the fine due is based upon the earliest of~~
310 ~~the following:~~

311 ~~a. When a statement is actually received by the office.~~

312 ~~b. When the statement is postmarked.~~

313 ~~c. When the certificate of mailing is dated.~~

314 ~~d. When the receipt from an established courier company is~~
315 ~~dated.~~

316 ~~2.~~ Upon receipt of the disclosure statement or upon accrual
317 of the maximum penalty, whichever occurs first, the commission
318 shall determine the amount of the fine which is due and shall
319 notify the delinquent person. The notice must include an

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320 explanation of the appeal procedure under subparagraph 2. ~~3.~~
321 Such fine must be paid within 30 days after the notice of
322 payment due is transmitted, unless appeal is made to the
323 commission pursuant to subparagraph 2. ~~3.~~ The moneys shall be
324 deposited into the General Revenue Fund.

325 2.3. Any reporting person may appeal or dispute a fine,
326 based upon unusual circumstances surrounding the failure to file
327 on the designated due date, and may request and is entitled to a
328 hearing before the commission, which may waive the fine in whole
329 or in part for good cause shown. Any such request must be in
330 writing and received by the commission within 30 days after the
331 notice of payment due is transmitted. In such a case, the
332 reporting person must, within the 30-day period, notify the
333 person designated to review the timeliness of reports in writing
334 of his or her intention to bring the matter before the
335 commission. For purposes of this subparagraph, "unusual
336 circumstances" does not include the failure to monitor an e-mail
337 account or failure to receive notice if the person has not
338 notified the commission of a change in his or her e-mail
339 address.

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

348 (h) The notification requirements and fines of this

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349 subsection do not apply to candidates or to the first filing
350 required of any person appointed to elective constitutional
351 office or other position required to file full and public
352 disclosure, unless the person's name is on the commission's
353 notification list and the person received notification from the
354 commission. The appointing official shall notify such newly
355 appointed person of the obligation to file full and public
356 disclosure by July 1. The notification requirements and fines of
357 this subsection do not apply to the final filing provided for in
358 subsection (10).

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

368 (10) Each person required to file full and public
369 disclosure of financial interests shall file a final disclosure
370 statement within 60 days after leaving his or her public
371 position for the period between January 1 of the year in which
372 the person leaves and the last day of office or employment,
373 unless within the 60-day period the person takes another public
374 position requiring financial disclosure under s. 8, Art. II of
375 the State Constitution, or is otherwise required to file full
376 and public disclosure for the final disclosure period. The head
377 of the agency of each person required to file full and public

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378 disclosure for the final disclosure period shall notify such
379 persons of their obligation to file the final disclosure and may
380 designate a person to be responsible for the notification
381 requirements of this subsection. When an elected local officer
382 specified in paragraph (1)(d) leaves office before the
383 expiration of his or her term, any individual appointed to
384 replace such officer for the remainder of that term must file a
385 full and public disclosure of financial interests annually
386 thereafter for the remainder of his or her term in office.

387 Section 4. Subsections (4) and (5) are added to section
388 112.31445, Florida Statutes, to read:

389 112.31445 Electronic filing system; full and public
390 disclosure of financial interests.—

391 (4) The commission shall publish a notice on the electronic
392 filing system instructing filers to redact a social security
393 number; a bank, mortgage, or brokerage account number; a debit,
394 charge, or credit card number; a personal identification number;
395 or a taxpayer identification number in their filings.

396 (5) The electronic filing system must allow a filer to
397 include attachments or other supporting documentation when
398 submitting a disclosure through the system.

399 Section 5. Paragraph (f) is added to subsection (2) of
400 section 112.31446, Florida Statutes, to read:

401 112.31446 Electronic filing system for financial
402 disclosure.—

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

406 (f) Allow a filer to include attachments or other

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407 supporting documentation when submitting a disclosure or a
408 statement through the system.

409 Section 6. Notwithstanding the expiration date in section
410 95 of chapter 2022-157, Laws of Florida, paragraphs (b) and (e)
411 of subsection (2), paragraphs (a) and (c) of subsection (4), and
412 subsections (6) and (8) of section 112.3145, Florida Statutes,
413 are reenacted and amended to read:

414 112.3145 Disclosure of financial interests and clients
415 represented before agencies.—

416 (2)

417 (b) Each state or local officer, except local officers
418 specified in s. 112.3144(1)(d), and each specified state
419 employee shall file a statement of financial interests no later
420 than July 1 of each year. Each state officer, local officer, and
421 specified state employee shall file a final statement of
422 financial interests within 60 days after leaving his or her
423 public position for the period between January 1 of the year in
424 which the person leaves and the last day of office or
425 employment, unless within the 60-day period the person takes
426 another public position requiring financial disclosure under
427 this section or s. 8, Art. II of the State Constitution or
428 otherwise is required to file full and public disclosure or a
429 statement of financial interests for the final disclosure
430 period. Each state or local officer who is appointed and each
431 specified state employee who is employed shall file a statement
432 of financial interests within 30 days from the date of
433 appointment or, in the case of a specified state employee, from
434 the date on which the employment begins, except that any person
435 whose appointment is subject to confirmation by the Senate shall

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436 file before ~~prior to~~ confirmation hearings or within 30 days
437 from the date of appointment, whichever comes first.

438 (e) Beginning January 1, 2024, a statement of financial
439 interests, and a final statement of financial interests and any
440 amendments thereto, or any other form required by this section,
441 except any statement of a candidate who is not subject to an
442 annual filing requirement, must be filed electronically through
443 an electronic filing system created and maintained by the
444 commission as provided in s. 112.31446.

445 (4) (a) ~~Beginning January 1, 2024,~~ A filer may not include
446 in a filing to the commission ~~a federal income tax return or a~~
447 ~~copy of thereof;~~ a social security number; a bank, mortgage, or
448 brokerage account number; a debit, charge, or credit card
449 number; a personal identification number; or a taxpayer
450 identification number. If a filer includes such information in
451 his or her filing, the information may be made available as part
452 of the official records of the commission available for public
453 inspection and copying unless redaction is requested by the
454 filer. The commission is not liable for the release of social
455 security numbers, bank account numbers, or debit, charge, or
456 credit card numbers included in a filing to the commission if
457 the filer has not requested redaction of the information.

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

461 1. Any filer submitting information through the electronic
462 filing system may not include ~~a federal income tax return or a~~
463 ~~copy thereof;~~ a social security number; a bank, mortgage, or
464 brokerage account number; a debit, charge, or credit card

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465 number; a personal identification number; or a taxpayer
466 identification number in any filing unless required by law.

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

469 3. Any filer has a right to request that the commission
470 redact from his or her filing any social security number, bank
471 account number, or debit, charge, or credit card number
472 contained in the filing. Such request must be made in writing
473 and delivered to the commission. The request must specify the
474 information to be redacted and the specific section or sections
475 of the disclosure in which it was included.

476 (6) Each elected constitutional officer, state officer,
477 local officer, and specified state employee shall file a
478 quarterly report of the names of clients represented for a fee
479 or commission, except for appearances in ministerial matters,
480 before agencies at his or her level of government. For the
481 purposes of this part, agencies of government shall be
482 classified as state-level agencies or agencies below state
483 level. ~~Each local officer shall file such report with the~~
484 ~~supervisor of elections of the county in which the officer is~~
485 ~~principally employed or is a resident.~~ Each state officer,
486 elected constitutional officer, and specified state employee
487 shall file such report with the commission. Beginning January 1,
488 2024, each local officer shall file such report with the
489 commission. The report must ~~shall~~ be filed only when a
490 reportable representation is made during the calendar quarter
491 and must ~~shall~~ be filed no later than the last day of each
492 calendar quarter, for the previous calendar quarter.
493 Representation before any agency shall be deemed to include

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494 representation by such officer or specified state employee or by
495 any partner or associate of the professional firm of which he or
496 she is a member and of which he or she has actual knowledge. For
497 the purposes of this subsection, the term "representation before
498 any agency" does not include appearances before any court or the
499 Deputy Chief Judge of Compensation Claims or judges of
500 compensation claims or representations on behalf of one's agency
501 in one's official capacity. Such term does not include the
502 preparation and filing of forms and applications merely for the
503 purpose of obtaining or transferring a license based on a quota
504 or a franchise of such agency or a license or operation permit
505 to engage in a profession, business, or occupation, so long as
506 the issuance or granting of such license, permit, or transfer
507 does not require substantial discretion, a variance, a special
508 consideration, or a certificate of public convenience and
509 necessity.

510 (8) Beginning January 1, 2024, forms for compliance with
511 the disclosure requirements of this section and a current list
512 of persons subject to disclosure must ~~shall~~ be created by the
513 commission ~~and provided to each supervisor of elections.~~ The
514 commission shall allow a filer to include attachments or other
515 supporting documentation when filing a disclosure. Beginning
516 January 1, 2024, the commission ~~and each supervisor of elections~~
517 shall give notice of disclosure deadlines, ~~and~~ delinquencies,
518 and instructions ~~distribute forms~~ in the following manner:

519 (a) ~~1.~~ Not later than May 1 of each year, the commission
520 shall prepare a current list of the names, e-mail addresses, and
521 physical addresses of, and the offices or positions held by,
522 every state officer, local officer, and specified employee. Each

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523 unit of government shall assist the commission in compiling the
524 list by providing to the commission not later than February 1 of
525 each year the name, e-mail address, physical address, and name
526 of agency of, and the office or position held by, each state
527 officer, local officer, or specified state employee within the
528 respective unit of government as of December 31 of the preceding
529 year.

530 ~~2. Not later than May 15 of each year, the commission shall~~
531 ~~provide each supervisor of elections with a current list of all~~
532 ~~local officers required to file with such supervisor of~~
533 ~~elections.~~

534 (b) The commission shall notify by e-mail, not later than
535 June 1 of each year, all persons required to file a statement of
536 financial interests under subsection (3) of all of the
537 following:

538 1. All applicable filing deadlines for completing and
539 filing the statement on the electronic filing system.

540 2. Instructions on how to complete and file the statement
541 on the electronic filing system, or where to access such
542 instructions.

543
544 Beginning January 1, 2024, paper forms may not be provided and
545 persons required to file a statement of financial interests must
546 complete and file such statements on the electronic filing
547 system pursuant to paragraph (2) (e) ~~Not later than June 1 of~~
548 each year, the commission and each supervisor of elections, as
549 appropriate, shall distribute a copy of the form prescribed for
550 compliance with subsection (3) and a notice of all applicable
551 disclosure forms and filing deadlines to each person required to

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552 ~~file a statement of financial interests. Beginning January 1,~~
553 ~~2024, no paper forms will be provided. The notice required under~~
554 ~~this paragraph and instructions for electronic submission must~~
555 ~~be delivered by e-mail.~~

556 (c) Not later than August 1 of each year, the commission
557 ~~and each supervisor of elections~~ shall determine which persons
558 required to file a statement of financial interests ~~in their~~
559 ~~respective offices~~ have failed to do so and shall send
560 delinquency notices to these persons. Through December 31, 2023,
561 delinquency notices must be sent by certified mail, return
562 receipt requested. Each notice must state that a grace period is
563 in effect until September 1 of the current year; that no
564 investigative or disciplinary action based upon the delinquency
565 will be taken by the agency head or commission if the statement
566 is filed by September 1 of the current year; that, if the
567 statement is not filed by September 1 of the current year, a
568 fine of \$25 for each day late will be imposed, up to a maximum
569 penalty of \$1,500; ~~for notices distributed by a supervisor of~~
570 ~~elections, that he or she is required by law to notify the~~
571 ~~commission of the delinquency;~~ and that, if upon the filing of a
572 sworn complaint the commission finds that the person has failed
573 to timely file the statement within 60 days after September 1 of
574 the current year, such person will also be subject to the
575 penalties provided in s. 112.317. Beginning January 1, 2024,
576 notice required under this paragraph must be delivered by e-mail
577 and must be redelivered on a weekly basis by e-mail as long as
578 the person remains delinquent.

579 (d) Beginning January 1, 2024, disclosure statements
580 required to be filed with the commission must be filed by 11:59

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581 p.m. on the due date using the commission's electronic filing
582 system pursuant to s. 112.31446 ~~No later than November 15 of~~
583 ~~each year, the supervisor of elections in each county shall~~
584 ~~certify to the commission a list of the names and addresses of,~~
585 ~~and the offices or positions held by, all persons who have~~
586 ~~failed to timely file the required statements of financial~~
587 ~~interests. The certification must include the earliest of the~~
588 ~~dates described in subparagraph (g)1. The certification shall be~~
589 ~~on a form prescribed by the commission and shall indicate~~
590 ~~whether the supervisor of elections has provided the disclosure~~
591 ~~forms and notice as required by this subsection to all persons~~
592 ~~named on the delinquency list.~~

593 ~~(e) Statements must be received by the commission not later~~
594 ~~than 5 p.m. of the due date. However, any statement that is~~
595 ~~postmarked by the United States Postal Service by midnight of~~
596 ~~the due date is deemed to have been filed in a timely manner,~~
597 ~~and a certificate of mailing obtained from and dated by the~~
598 ~~United States Postal Service at the time of the mailing, or a~~
599 ~~receipt from an established courier company which bears a date~~
600 ~~on or before the due date, constitutes proof of mailing in a~~
601 ~~timely manner. Beginning January 1, 2023, upon request of the~~
602 ~~filer, the commission must provide verification to the filer~~
603 ~~that the commission has received the filed statement.~~

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

607 (f) ~~(g)~~ Any person ~~who is~~ required to file a statement of
608 financial interests ~~and~~ whose name is on the commission's list,
609 and to whom notice has been sent, but who fails to timely file

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610 is assessed a fine of \$25 per day for each day late up to a
611 maximum of \$1,500; however, this \$1,500 limitation on automatic
612 fines does not limit the civil penalty that may be imposed if
613 the statement is filed more than 60 days after the deadline and
614 a complaint is filed, as provided in s. 112.324. The commission
615 must provide by rule the grounds for waiving the fine and
616 procedures by which each person whose name is on the list and
617 who is determined to have not filed in a timely manner will be
618 notified of assessed fines and may appeal. The rule must provide
619 for and make specific that the amount of the fine is based upon
620 the date and time that the disclosure is filed on the electronic
621 filing system as provided in s. 112.31446. ~~the following:~~

622 1. Beginning January 1, 2024, ~~The amount of the fine due is~~
623 ~~based upon the earliest of the following:~~

624 a. ~~When a statement is actually received by the office.~~

625 b. ~~When the statement is postmarked.~~

626 c. ~~When the certificate of mailing is dated.~~

627 d. ~~When the receipt from an established courier company is~~
628 ~~dated.~~

629 2. for a specified state employee, ~~or~~ a state officer, or
630 local officer, upon receipt of the disclosure statement by the
631 commission or upon accrual of the maximum penalty, whichever
632 occurs first, ~~and for a local officer upon receipt by the~~
633 ~~commission of the certification from the local officer's~~
634 ~~supervisor of elections pursuant to paragraph (d),~~ the
635 commission shall determine the amount of the fine which is due
636 and shall notify the delinquent person. The notice must include
637 an explanation of the appeal procedure under subparagraph 2. ~~3.~~
638 The fine must be paid within 30 days after the notice of payment

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639 due is transmitted, unless appeal is made to the commission
640 pursuant to subparagraph 2. 3. The moneys are to be deposited
641 into the General Revenue Fund.

642 2.3. Any reporting person may appeal or dispute a fine,
643 based upon unusual circumstances surrounding the failure to file
644 on the designated due date, and may request and is entitled to a
645 hearing before the commission, which may waive the fine in whole
646 or in part for good cause shown. Any such request must be in
647 writing and received by the commission within 30 days after the
648 notice of payment due is transmitted. In such a case, the
649 reporting person must, within the 30-day period, notify the
650 person designated to review the timeliness of reports in writing
651 of his or her intention to bring the matter before the
652 commission. For purposes of this subparagraph, the term "unusual
653 circumstances" does not include the failure to monitor an e-mail
654 account or failure to receive notice if the person has not
655 notified the commission of a change in his or her e-mail
656 address.

657 (g) ~~(h)~~ Any state officer, local officer, or specified
658 employee whose name is not on the list of persons required to
659 file an annual statement of financial interests is not subject
660 to the penalties provided in s. 112.317 or the fine provided in
661 this section for failure to timely file a statement of financial
662 interests in any year in which the omission occurred, but
663 nevertheless is required to file the disclosure statement.

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

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668 (i)~~(j)~~ Notwithstanding any provision of chapter 120, any
669 fine imposed under this subsection which is not waived by final
670 order of the commission and which remains unpaid more than 60
671 days after the notice of payment due or more than 60 days after
672 the commission renders a final order on the appeal must be
673 submitted to the Department of Financial Services as a claim,
674 debt, or other obligation owed to the state, and the department
675 shall assign the collection of such a fine to a collection agent
676 as provided in s. 17.20.

677 Section 7. Subsection (1) of section 112.317, Florida
678 Statutes, is amended to read:

679 112.317 Penalties.—

680 (1) Any violation of this part, including, but not limited
681 to, failure to file disclosures required by this part or
682 violation of any standard of conduct imposed by this part, or
683 any violation of s. 8, Art. II of the State Constitution, in
684 addition to any criminal penalty or other civil penalty
685 involved, under applicable constitutional and statutory
686 procedures, constitutes grounds for, and may be punished by, one
687 or more of the following:

688 (a) In the case of a public officer:

- 689 1. Impeachment.
- 690 2. Removal from office.
- 691 3. Suspension from office.
- 692 4. Public censure and reprimand.
- 693 5. Forfeiture of no more than one-third of his or her
694 salary per month for no more than 12 months.
- 695 6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.
- 696 7. Restitution of any pecuniary benefits received because

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697 of the violation committed. The commission may recommend that
698 the restitution penalty be paid to the agency of which the
699 public officer was a member or to the General Revenue Fund.

700 (b) In the case of an employee or a person designated as a
701 public officer by this part who otherwise would be deemed to be
702 an employee:

703 1. Dismissal from employment.

704 2. Suspension from employment for not more than 90 days
705 without pay.

706 3. Demotion.

707 4. Reduction in his or her salary level.

708 5. Forfeiture of no more than one-third salary per month
709 for no more than 12 months.

710 6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

711 7. Restitution of any pecuniary benefits received because
712 of the violation committed. The commission may recommend that
713 the restitution penalty be paid to the agency by which the
714 public employee was employed, or of which the officer was deemed
715 to be an employee, or to the General Revenue Fund.

716 8. Public censure and reprimand.

717 (c) In the case of a candidate who violates this part or s.
718 8(a) and (i), Art. II of the State Constitution:

719 1. Disqualification from being on the ballot.

720 2. Public censure.

721 3. Reprimand.

722 4. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

723 (d) In the case of a former public officer or employee who
724 has violated a provision applicable to former officers or
725 employees or whose violation occurred before the officer's or

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726 employee's leaving public office or employment:

- 727 1. Public censure and reprimand.
- 728 2. A civil penalty not to exceed \$20,000 ~~\$10,000~~.
- 729 3. Restitution of any pecuniary benefits received because
- 730 of the violation committed. The commission may recommend that
- 731 the restitution penalty be paid to the agency of the public
- 732 officer or employee or to the General Revenue Fund.

733 (e) In the case of a person who is subject to the standards

734 of this part, other than a lobbyist or lobbying firm under s.

735 112.3215 for a violation of s. 112.3215, but who is not a public

736 officer or employee:

- 737 1. Public censure and reprimand.
- 738 2. A civil penalty not to exceed \$20,000 ~~\$10,000~~.
- 739 3. Restitution of any pecuniary benefits received because
- 740 of the violation committed. The commission may recommend that
- 741 the restitution penalty be paid to the agency of the person or
- 742 to the General Revenue Fund.

743 Section 8. Present paragraph (d) of subsection (8) of

744 section 112.3215, Florida Statutes, is redesignated as paragraph

745 (e), a new paragraph (d) is added to that subsection, and

746 paragraph (c) of subsection (8) and subsection (9) of that

747 section are amended, to read:

748 112.3215 Lobbying before the executive branch or the

749 Constitution Revision Commission; registration and reporting;

750 investigation by commission.—

751 (8)

752 (c) The commission shall investigate any lobbying firm,

753 lobbyist, principal, agency, officer, or employee upon receipt

754 of information from a sworn complaint or from a random audit of

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755 lobbying reports indicating that the entity or individual has
756 intentionally failed to disclose any material fact or has
757 knowingly submitted false information in any report required by
758 this section or by rules adopted pursuant to this section a
759 ~~possible violation other than a late-filed report.~~

760 (d) Notwithstanding paragraphs (a), (b), and (c), the
761 commission may dismiss any complaint or investigation resulting
762 from a random audit of lobbying reports at any stage of
763 disposition if it determines that the public interest is not
764 served by proceeding further, in which case the commission must
765 issue a public report stating with particularity its reasons for
766 the dismissal.

767 (9) If the commission finds no probable cause to believe
768 that a violation of this section occurred, it must ~~shall~~ dismiss
769 the complaint, whereupon the complaint, together with a written
770 statement of the findings of the investigation and a summary of
771 the facts, becomes ~~shall become~~ a matter of public record, and
772 the commission must ~~shall~~ send a copy of the complaint,
773 findings, and summary to the complainant and the alleged
774 violator. If, after investigating information from a random
775 audit of lobbying reports, the commission finds no probable
776 cause to believe that a violation of this section occurred, a
777 written statement of the findings of the investigation and a
778 summary of the facts becomes ~~shall become~~ a matter of public
779 record, and the commission must ~~shall~~ send a copy of the
780 findings and summary to the alleged violator. If the commission
781 finds probable cause to believe that a violation occurred, it
782 must ~~shall~~ report the results of its investigation to the
783 Governor and Cabinet and send a copy of the report to the

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784 alleged violator by certified mail. Such notification and all
785 documents made or received in the disposition of the complaint
786 ~~shall then~~ become public records. Upon a request submitted to
787 the Governor and Cabinet in writing, any person whom the
788 commission finds probable cause to believe has violated ~~any~~
789 ~~provision of~~ this section shall be entitled to a public hearing.
790 Such person shall be deemed to have waived the right to a public
791 hearing if the request is not received within 14 days following
792 the mailing of the probable cause notification. However, the
793 Governor and Cabinet may on its own motion require a public
794 hearing and may conduct such further investigation as it deems
795 necessary.

796 Section 9. Paragraph (a) of subsection (11) of section
797 112.324, Florida Statutes, is amended to read:

798 112.324 Procedures on complaints of violations and
799 referrals; public records and meeting exemptions.—

800 (11) (a) Notwithstanding subsections (1)-(8), the commission
801 may dismiss any complaint or referral at any stage of
802 disposition if it determines that the violation that is alleged
803 or has occurred is a de minimis violation attributable to
804 inadvertent or unintentional error. In determining whether a
805 violation was de minimis, the commission shall consider whether
806 the interests of the public were protected despite the
807 violation. ~~This subsection does not apply to complaints or~~
808 ~~referrals pursuant to ss. 112.3144 and 112.3145.~~

809 Section 10. Upon this act becoming a law, the Commission on
810 Ethics shall, as necessary, revise its financial disclosure
811 forms and instructions and any related rules to conform to this
812 act. Any such revisions to disclosure forms and instructions

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813 pertaining to the 2022 filing year shall be exempt from the
814 requirements of chapter 120, Florida Statutes.

815 Section 11. This act shall take effect upon becoming a law.