

20247014e1

1 A bill to be entitled
2 An act relating to ethics; amending s. 112.3122, F.S.;
3 increasing the maximum fine for violations of
4 specified lobbying provisions; amending s. 112.3144,
5 F.S.; authorizing attorneys who file full and public
6 disclosures of their financial interests to indicate
7 that a client meets disclosure criteria without
8 providing further information relating to such client;
9 authorizing such attorneys to designate such clients
10 as "Legal Client" on such disclosures; amending s.
11 112.3145, F.S.; deleting obsolete language;
12 authorizing attorneys who file statements of financial
13 interests to indicate that a client meets disclosure
14 criteria without providing further information
15 relating to such client; authorizing such attorneys to
16 designate such clients as "Legal Client" on such
17 statements; amending s. 112.321, F.S.; prohibiting a
18 member of the Commission on Ethics from serving more
19 than two full terms, instead of two full terms in
20 succession; making technical changes; deleting
21 obsolete language; amending s. 112.317, F.S.;
22 providing that a complainant is liable for costs plus
23 reasonable attorney fees for filing a complaint with
24 malicious intent against a candidate for public
25 office; amending s. 112.324, F.S.; requiring that
26 allegations in written complaints submitted to the
27 commission be based upon personal knowledge or
28 information other than hearsay; specifying that a
29 certain number of members of the commission are not

20247014e1

30 required to make a specified determination related to
31 written referrals submitted to the commission by
32 specified parties; requiring the commission to submit
33 a copy of a certain referral to an alleged violator
34 within a specified timeframe; requiring the commission
35 to undertake a preliminary investigation within a
36 specified timeframe after receipt of technically and
37 legally sufficient complaints or referrals and make a
38 certain determination; authorizing a complainant to
39 submit an amended complaint within a specified
40 timeframe; providing that the probable cause
41 determination concludes the preliminary investigation;
42 requiring the commission to complete a preliminary
43 investigation, including a probable cause
44 determination, within a specified timeframe; requiring
45 the commission to complete an investigatory report
46 within a specified timeframe; authorizing the
47 commission to extend, for a specified period, the
48 allowable timeframe to adequately complete a
49 preliminary investigation if a specified number of
50 members of the commission determine such extension is
51 necessary; requiring the commission to document the
52 reasons for extending such investigation and transmit
53 a copy of such documentation to the alleged violator
54 and complainant within a specified timeframe;
55 requiring the commission to transmit a copy of the
56 completed report to an alleged violator and to the
57 counsel representing the commission within a specified
58 timeframe; requiring such counsel to make a written

20247014e1

59 recommendation for disposition of a complaint or
60 referral within a specified timeframe after receiving
61 the investigatory report; requiring the commission to
62 transmit such recommendation to the alleged violator
63 within a specified timeframe; providing that the
64 alleged violator has a specified timeframe to respond
65 in writing to the counsel's recommendation; requiring
66 the commission, upon receipt of the counsel's
67 recommendation, to schedule a probable cause hearing
68 for the next executive session of the commission for
69 which notice requirements can be met; providing that,
70 under specified conditions, the commission may dismiss
71 complaints or referrals before completion of a
72 preliminary investigation; providing a timeframe
73 within which the commission must transmit a copy of
74 the order finding probable cause to the complainant
75 and the alleged violator after a finding of probable
76 cause; specifying that an alleged violator is entitled
77 to request a formal hearing before the Division of
78 Administrative Hearings or may select an informal
79 hearing with the commission; providing that persons
80 are deemed to waive their rights to a formal or an
81 informal hearing if the request is not received within
82 a specified timeframe; providing the timeframe within
83 which the commission must conduct an informal hearing;
84 requiring the commission to schedule a case that has
85 been relinquished from the Division of Administrative
86 Hearings for additional action at the next commission
87 meeting for which notice requirements can be met;

20247014e1

88 requiring the commission to complete final action on
89 such case within a specified timeframe; requiring a
90 specified percentage of commission members present at
91 a meeting to vote to reject or deviate from a
92 recommendation made by the counsel representing the
93 commission; providing that specified timeframes are
94 tolled until the completion of a related criminal
95 investigation or prosecution, excluding appeals,
96 whichever occurs later; providing that a harmless
97 error standard applies to the commission regarding
98 specified timeframes; amending s. 112.326, F.S.;
99 providing requirements for noncriminal complaint
100 procedures if a political subdivision or an agency
101 adopts more stringent standards of conduct and
102 disclosure requirements; providing that existing and
103 future ordinances and rules that are in conflict with
104 specified provisions are void; providing an effective
105 date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Paragraph (b) of subsection (4) of section
110 112.3122, Florida Statutes, is amended to read:

111 112.3122 Enforcement and penalties for constitutional
112 prohibition against lobbying by a public officer.—

113 (4) A violation of s. 8(f), Art. II of the State
114 Constitution may be punished by one or more of the following:

115 (b) A civil penalty not to exceed \$20,000 ~~\$10,000~~.

116 Section 2. Paragraph (c) of subsection (6) of section

20247014e1

117 112.3144, Florida Statutes, is amended to read:

118 112.3144 Full and public disclosure of financial
119 interests.—

120 (6)

121 (c)1. Each separate source and amount of income which
122 exceeds \$1,000 must be identified. For the purpose of a filer
123 reporting income, the commission shall accept federal income tax
124 returns. If a filer submits a federal income tax return for the
125 purpose of reporting income, he or she must also include all
126 attachments and schedules associated with such federal income
127 tax return.

128 2. If disclosure of identifying information regarding a
129 source of income or secondary sources of income will violate
130 confidentiality or privilege pursuant to law or rules governing
131 attorneys, a filer who is also an attorney may indicate that he
132 or she has a legal client who meets the disclosure criteria
133 without providing further information about the client. The
134 filer in such circumstance may write "Legal Client" in the
135 disclosure fields without providing further information.

136 Section 3. Subsection (3) of section 112.3145, Florida
137 Statutes, is amended to read:

138 112.3145 Disclosure of financial interests and clients
139 represented before agencies.—

140 (3) The statement of financial interests for state
141 officers, specified state employees, local officers, and persons
142 seeking to qualify as candidates for state or local office shall
143 be filed even if the reporting person holds no financial
144 interests requiring disclosure in a particular category, in
145 which case that section of the statement shall be marked "not

20247014e1

146 applicable." Otherwise, the statement of financial interests
147 must include the information under paragraph (a) ~~or paragraph~~
148 ~~(b)~~. ~~The reporting person must indicate on the statement whether~~
149 ~~he or she is using the reporting method under paragraph (a) or~~
150 ~~paragraph (b). Beginning January 1, 2023, only the reporting~~
151 ~~method specified under paragraph (b) may be used.~~

152 (a)1. ~~All sources of income in excess of 5 percent of the~~
153 ~~gross income received during the disclosure period by the person~~
154 ~~in his or her own name or by any other person for his or her use~~
155 ~~or benefit, excluding public salary. However, this shall not be~~
156 ~~construed to require disclosure of a business partner's sources~~
157 ~~of income. The person reporting shall list such sources in~~
158 ~~descending order of value with the largest source first;~~

159 2. ~~All sources of income to a business entity in excess of~~
160 ~~10 percent of the gross income of a business entity in which the~~
161 ~~reporting person held a material interest and from which he or~~
162 ~~she received an amount which was in excess of 10 percent of his~~
163 ~~or her gross income during the disclosure period and which~~
164 ~~exceeds \$1,500. The period for computing the gross income of the~~
165 ~~business entity is the fiscal year of the business entity which~~
166 ~~ended on, or immediately prior to, the end of the disclosure~~
167 ~~period of the person reporting;~~

168 3. ~~The location or description of real property in this~~
169 ~~state, except for residences and vacation homes, owned directly~~
170 ~~or indirectly by the person reporting, when such person owns in~~
171 ~~excess of 5 percent of the value of such real property, and a~~
172 ~~general description of any intangible personal property worth in~~
173 ~~excess of 10 percent of such person's total assets. For the~~
174 ~~purposes of this paragraph, indirect ownership does not include~~

20247014e1

175 ~~ownership by a spouse or minor child; and~~

176 ~~4. Every individual liability that equals more than the~~
177 ~~reporting person's net worth; or~~

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

185 2. All sources of income to a business entity in excess of
186 10 percent of the gross income of a business entity in which the
187 reporting person held a material interest and from which he or
188 she received gross income exceeding \$5,000 during the disclosure
189 period. The period for computing the gross income of the
190 business entity is the fiscal year of the business entity which
191 ended on, or immediately prior to, the end of the disclosure
192 period of the person reporting;

193 3. The location or description of real property in this
194 state, except for residence and vacation homes, owned directly
195 or indirectly by the person reporting, when such person owns in
196 excess of 5 percent of the value of such real property, and a
197 general description of any intangible personal property worth in
198 excess of \$10,000. For the purpose of this paragraph, indirect
199 ownership does not include ownership by a spouse or minor child;
200 and

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

202 (b) If disclosure of identifying information regarding a
203 source of income or secondary sources of income will violate

20247014e1

204 confidentiality or privilege pursuant to law or rules governing
205 attorneys, a filer who is also an attorney may indicate that he
206 or she has a legal client who meets the disclosure criteria
207 without providing further information about the client. The
208 filer in such circumstance may write "Legal Client" in the
209 disclosure fields without providing further information.

210 Section 4. Subsection (1) of section 112.321, Florida
211 Statutes, is amended to read:

212 112.321 Membership, terms; travel expenses; staff.—

213 (1) The commission shall be composed of nine members. Five
214 of these members shall be appointed by the Governor, no more
215 than three of whom shall be from the same political party,
216 subject to confirmation by the Senate. One member appointed by
217 the Governor shall be a former city or county official and may
218 be a former member of a local planning or zoning board which has
219 only advisory duties. Two members shall be appointed by the
220 Speaker of the House of Representatives, and two members shall
221 be appointed by the President of the Senate. Neither the Speaker
222 of the House of Representatives nor the President of the Senate
223 shall appoint more than one member from the same political
224 party. Of the nine members of the Commission, no more than five
225 members shall be from the same political party at any one time.
226 A ~~No~~ member may not hold any public employment. An individual
227 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215
228 or pursuant to any local government charter or ordinance may not
229 serve as a member of the commission, ~~except that this~~
230 ~~prohibition does not apply to an individual who is a member of~~
231 ~~the commission on July 1, 2006, until the expiration of his or~~
232 ~~her current term.~~ A member of the commission may not lobby any

20247014e1

233 state or local governmental entity as provided in s. 11.045 or
234 s. 112.3215 or as provided by any local government charter or
235 ordinance, ~~except that this prohibition does not apply to an~~
236 ~~individual who is a member of the commission on July 1, 2006,~~
237 ~~until the expiration of his or her current term.~~ All members
238 shall serve 2-year terms. A member may not serve more than two
239 full terms ~~in succession.~~ Any member of the commission may be
240 removed for cause by majority vote of the Governor, the
241 President of the Senate, the Speaker of the House of
242 Representatives, and the Chief Justice of the Supreme Court.

243 Section 5. Subsection (7) of section 112.317, Florida
244 Statutes, is amended to read:

245 112.317 Penalties.—

246 (7) In any case in which the commission determines that a
247 person has filed a complaint against a public officer or
248 employee or a candidate for public office with a malicious
249 intent to injure the reputation of such officer or employee or
250 candidate by filing the complaint with knowledge that the
251 complaint contains one or more false allegations or with
252 reckless disregard for whether the complaint contains false
253 allegations of fact material to a violation of this part, the
254 complainant shall be liable for costs plus reasonable attorney
255 fees incurred in the defense of the person complained against,
256 including the costs and reasonable attorney fees incurred in
257 proving entitlement to and the amount of costs and fees. If the
258 complainant fails to pay such costs and fees voluntarily within
259 30 days following such finding by the commission, the commission
260 shall forward such information to the Department of Legal
261 Affairs, which shall bring a civil action in a court of

20247014e1

262 competent jurisdiction to recover the amount of such costs and
263 fees awarded by the commission.

264 Section 6. Subsections (1) and (3) of section 112.324,
265 Florida Statutes, are amended to read:

266 112.324 Procedures on complaints of violations and
267 referrals; public records and meeting exemptions.—

268 (1) The commission shall investigate an alleged violation
269 of this part or other alleged breach of the public trust within
270 the jurisdiction of the commission as provided in s. 8(f), Art.
271 II of the State Constitution:

272 (a) Upon a written complaint executed on a form prescribed
273 by the commission which is based upon personal knowledge or
274 information other than hearsay and signed under oath or
275 affirmation by any person; or

276 (b) Upon receipt of a written referral of a possible
277 violation of this part or other possible breach of the public
278 trust from the Governor, the Department of Law Enforcement, a
279 state attorney, or a United States Attorney ~~which at least six~~
280 ~~members of the commission determine is sufficient to indicate a~~
281 ~~violation of this part or any other breach of the public trust.~~

282
283 Within 5 days after receipt of a complaint or referral by the
284 commission ~~or a determination by at least six members of the~~
285 ~~commission that the referral received is deemed sufficient,~~ a
286 copy must ~~shall~~ be transmitted to the alleged violator.

287 (3) (a) A preliminary investigation must ~~shall~~ be undertaken
288 by the commission within 30 days after its receipt of each
289 technically and legally sufficient complaint or referral over
290 which the commission has jurisdiction to determine whether there

20247014e1

291 is probable cause to believe that a violation has occurred. A
292 complainant may submit an amended complaint up to 60 days after
293 the commission receives the initial complaint. The probable
294 cause determination is the conclusion of the preliminary
295 investigation. The commission shall complete the preliminary
296 investigation, including the probable cause determination, no
297 later than 1 year after the beginning of the preliminary
298 investigation.

299 (b) An investigatory report must be completed no later than
300 150 days after the beginning of the preliminary investigation.
301 If, at any one meeting of the commission held during a given
302 preliminary investigation, at least six members of the
303 commission determine that additional time is necessary to
304 adequately complete such investigation, the commission may
305 extend the timeframe to complete the preliminary investigation
306 by no more than 60 days. During such meeting, the commission
307 shall document its reasons for extending the investigation and
308 transmit a copy of such documentation to the alleged violator
309 and complainant no later than 5 days after the extension is
310 ordered. The investigatory report must be transmitted to the
311 alleged violator and to the counsel representing the commission
312 no later than 5 days after completion of the report. The counsel
313 representing the commission shall make a written recommendation
314 to the commission for the disposition of the complaint or
315 referral no later than 15 days after he or she receives the
316 completed investigatory report. The commission shall transmit
317 the counsel's written recommendation to the alleged violator no
318 later than 5 days after its completion. The alleged violator has
319 14 days after the mailing date of the counsel's recommendation

20247014e1

320 to respond in writing to the recommendation.

321 (c) Upon receipt of the counsel's recommendation, the
322 commission shall schedule a probable cause hearing for the next
323 executive session of the commission for which notice
324 requirements can be met.

325 ~~(d) If, upon completion of the preliminary investigation,~~
326 the commission finds no probable cause to believe that this part
327 has been violated, or that no ~~any~~ other breach of the public
328 trust has been committed, the commission must ~~shall~~ dismiss the
329 complaint or referral with the issuance of a public report to
330 the complainant and the alleged violator, stating with
331 particularity its reasons for dismissal. At that time, the
332 complaint or referral and all materials relating to the
333 complaint or referral ~~shall~~ become a matter of public record.

334 (e) If the commission finds from the preliminary
335 ~~investigation~~ probable cause to believe that this part has been
336 violated or that any other breach of the public trust has been
337 committed, it must transmit a copy of the order finding probable
338 cause to ~~shall so notify~~ the complainant and the alleged
339 violator in writing no later than 5 days after the date of the
340 probable cause determination. Such notification and all
341 documents made or received in the disposition of the complaint
342 or referral ~~shall then~~ become public records. Upon request
343 submitted to the commission in writing, any person who the
344 commission finds probable cause to believe has violated any
345 provision of this part or has committed any other breach of the
346 public trust is ~~shall be~~ entitled to a public hearing and may
347 elect to have a formal administrative hearing conducted by an
348 administrative law judge in the Division of Administrative

20247014e1

349 Hearings. If the person does not elect to have a formal
350 administrative hearing by an administrative law judge, the
351 person is entitled to an informal hearing conducted before the
352 commission. Such person is ~~shall be~~ deemed to have waived the
353 right to a formal or an informal public hearing if the request
354 is not received within 14 days following the mailing date of the
355 probable cause notification required by this paragraph
356 ~~subsection~~. However, the commission may, on its own motion,
357 require a public hearing.

358 (f) If the commission conducts an informal hearing, it must
359 be held no later than 75 days after the date of the probable
360 cause determination.

361 (g) If the commission refers a case to the Division of
362 Administrative Hearings for a formal hearing and subsequently
363 requests that the case be relinquished back to the commission,
364 or if the administrative law judge assigned to the case
365 relinquishes jurisdiction back to the commission before a
366 recommended order is entered, the commission must schedule the
367 case for additional action at the next commission meeting for
368 which notice requirements can be met. At the next subsequent
369 commission meeting, the commission must complete final action on
370 such case.

371 (h) The commission, ~~may conduct such further investigation~~
372 ~~as it deems necessary,~~ and may enter into such stipulations and
373 settlements as it finds to be just and in the best interest of
374 the state. The commission is without jurisdiction to, and no
375 respondent may voluntarily or involuntarily, enter into a
376 stipulation or settlement which imposes any penalty, including,
377 but not limited to, a sanction or admonition or any other

20247014e1

378 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed
379 only by the appropriate disciplinary authority as designated in
380 this section.

381 (i) At least two-thirds of the members of the commission
382 present at a meeting must vote to reject or deviate from a
383 recommendation of the counsel representing the commission.

384 (j) If a criminal complaint related to an investigation
385 pursuant to this section is filed, the timeframes in this
386 subsection are tolled until completion of the criminal
387 investigation or prosecution, excluding any appeals from such
388 prosecution, whichever occurs later.

389 (k) The failure of the commission to comply with the time
390 limits provided in this subsection constitutes harmless error in
391 any related disciplinary action unless a court finds that the
392 fairness of the proceedings or the correctness of an action may
393 have been impaired by a material error in procedure or a failure
394 to follow prescribed procedure.

395 Section 7. Section 112.326, Florida Statutes, is amended to
396 read:

397 112.326 Additional requirements by political subdivisions
398 and agencies not prohibited; certain procedures preempted.-

399 (1) Except as provided in subsection (2), ~~Nothing in this~~
400 part does not ~~act shall~~ prohibit the governing body of any
401 political subdivision, by ordinance, or agency, by rule, from
402 imposing upon its own officers and employees additional or more
403 stringent standards of conduct and disclosure requirements than
404 those specified in this part, provided that those standards of
405 conduct and disclosure requirements do not otherwise conflict
406 with the provisions of this part.

20247014e1

407 (2) If a political subdivision or an agency adopts by
408 ordinance or rule additional or more stringent standards of
409 conduct and disclosure requirements pursuant to subsection (1),
410 any noncriminal complaint procedure must:

411 (a) Require a complaint to be written and signed under oath
412 or affirmation by the person making the complaint;

413 (b) Require a complaint to be based upon personal knowledge
414 or information other than hearsay;

415 (c) Prohibit the initiation of a complaint or investigation
416 by the governing body of the political subdivision, agency, or
417 any entity created to enforce the standards; and

418 (d) Include a provision establishing a process for the
419 recovery of costs and attorney fees for public officers, public
420 employees, or candidates for public office against a person
421 found by the governing body of the political subdivision,
422 agency, or entity created to enforce the standards to have filed
423 the complaint with a malicious intent to injure the reputation
424 of such officer, employee, or candidate by filing the complaint
425 with knowledge that the complaint contains one or more false
426 allegations or with reckless disregard for whether the complaint
427 contains false allegations of fact material to a violation.

428 (3) Any existing or future ordinance or rule adopted by a
429 political subdivision or an agency which is in conflict with
430 subsection (2) is void.

431 Section 8. This act shall take effect October 1, 2024.