

By Senator Rodriguez

40-00762A-26

20261622__

A bill to be entitled
An act relating to penalties for late-filed
disclosures or statements of financial interests;
amending ss. 112.3144 and 112.3145, F.S.; prohibiting
the assessment of a fine for a reporting person's
first late filing of a disclosure or statement of
financial interests if certain conditions are met;
providing applicability; providing an effective date.

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

Section 1. Paragraph (f) of subsection (8) of section
112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial
interests.—

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

(f) Except as provided in subparagraph 3., a ~~Any~~ person who
is required to file full and public disclosure of financial
interests and whose name is on the commission's list, and to
whom notice has been sent, but who fails to timely file is
assessed a fine of \$25 per day for each day late up to a maximum
of \$1,500; however this \$1,500 limitation on automatic fines
does not limit the civil penalty that may be imposed if the

40-00762A-26

20261622__

statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific that the amount of the fine due is based upon when the disclosure is filed on the electronic filing system created and maintained by the commission as provided in s. 112.31446.

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

2. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the

40-00762A-26

20261622__

commission. For purposes of this subparagraph, "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

3. A fine may not be assessed against a reporting person the first time a full and public disclosure of financial interests for which he or she is responsible for filing is not timely filed if the full and public disclosure of financial interests was filed before the reporting person accrued the maximum automatic fine for that filing year and the reporting person has not previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. The automatic fine shall be assessed, however, if the reporting person has in a previous year accrued the maximum automatic fine pursuant to this subparagraph or s. 112.3145(8)(f), or if he or she has previously received a waiver of an automatic fine pursuant to this subparagraph or s. 112.3145(8)(f)3. This subparagraph applies to fines that began to accrue pursuant to this paragraph after September 1, 2026.

Section 2. Paragraph (f) of subsection (8) of section 112.3145, Florida Statutes, is amended to read:

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

(8) Beginning January 1, 2024, forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure must be created by the commission. The commission shall allow a filer to include attachments or other supporting documentation when filing a

40-00762A-26

20261622__

disclosure. Beginning January 1, 2024, the commission shall give notice of disclosure deadlines, delinquencies, and instructions in the following manner:

(f) Except as provided in subparagraph 3., a ~~Any~~ person required to file a statement of financial interests whose name is on the commission's list, and to whom notice has been sent, but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however, this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific that the amount of the fine is based upon the date and time that the disclosure is filed on the electronic filing system as provided in s. 112.31446.

1. Beginning January 1, 2024, for a specified state employee, state officer, or local officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 2. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 2. The moneys are to be deposited into the General Revenue Fund.

40-00762A-26

20261622__

117 2. Any reporting person may appeal or dispute a fine, based
118 upon unusual circumstances surrounding the failure to file on
119 the designated due date, and may request and is entitled to a
120 hearing before the commission, which may waive the fine in whole
121 or in part for good cause shown. Any such request must be in
122 writing and received by the commission within 30 days after the
123 notice of payment due is transmitted. In such a case, the
124 reporting person must, within the 30-day period, notify the
125 person designated to review the timeliness of reports in writing
126 of his or her intention to bring the matter before the
127 commission. For purposes of this subparagraph, the term "unusual
128 circumstances" does not include the failure to monitor an e-mail
129 account or failure to receive notice if the person has not
130 notified the commission of a change in his or her e-mail
131 address.

132 3. A fine may not be assessed against a reporting person
133 the first time a statement of financial interests for which he
134 or she is responsible for filing is not timely filed if the
135 statement of financial interests was filed before the reporting
136 person accrued the maximum automatic fine for that filing year
137 and the reporting person has not previously received a waiver of
138 an automatic fine pursuant to this subparagraph or s.
139 112.3144(8)(f)3. The automatic fine shall be assessed, however,
140 if the reporting person has in a previous year accrued the
141 maximum automatic fine pursuant to this subparagraph or s.
142 112.3144(8)(f), or if he or she previously received a waiver of
143 an automatic fine pursuant to this subparagraph or s.
144 112.3144(8)(f)3. This subparagraph applies to fines that began
145 to accrue pursuant to this paragraph after September 1, 2026.

40-00762A-26

20261622__

146

Section 3. This act shall take effect upon becoming a law.