

By Senator Rodriguez

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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

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

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

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

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

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

79 Section 2. Paragraph (f) of subsection (8) of section
80 112.3145, Florida Statutes, is amended to read:

81 112.3145 Disclosure of financial interests and clients
82 represented before agencies.—

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

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

91 (f) Except as provided in subparagraph 3., a Any person
92 required to file a statement of financial interests whose name
93 is on the commission's list, and to whom notice has been sent,
94 but who fails to timely file is assessed a fine of \$25 per day
95 for each day late up to a maximum of \$1,500; however, this
96 \$1,500 limitation on automatic fines does not limit the civil
97 penalty that may be imposed if the statement is filed more than
98 60 days after the deadline and a complaint is filed, as provided
99 in s. 112.324. The commission must provide by rule the grounds
100 for waiving the fine and procedures by which each person whose
101 name is on the list and who is determined to have not filed in a
102 timely manner will be notified of assessed fines and may appeal.
103 The rule must provide for and make specific that the amount of
104 the fine is based upon the date and time that the disclosure is
105 filed on the electronic filing system as provided in s.
106 112.31446.

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

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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.

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