

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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**BILL:** CS/SB 572

**INTRODUCER:** Governmental Oversight and Accountability Committee and Senator Harrell

**SUBJECT:** Ethics for Public Officers and Employees

**DATE:** February 2, 2026      **REVISED:** \_\_\_\_\_

|    | ANALYST       | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------------|----------------|-----------|--------------------|
| 1. | <u>Cleary</u> | <u>Roberts</u> | <u>EE</u> | <b>Favorable</b>   |
| 2. | <u>White</u>  | <u>McVaney</u> | <u>GO</u> | <b>Fav/CS</b>      |
| 3. | <u>Cleary</u> | <u>Kruse</u>   | <u>RC</u> | <b>Pre-meeting</b> |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 572 revises the definition of the term “relative” in the Code of Ethics for Public Officers and Employees to include current and former foster parents and foster children. Further, the bill reenacts ss. 106.07, 106.0702, 348.0305, and 1001.421, F.S., to incorporate the amendment made to the definition of “relative.”

The inclusion of current and former foster parents and foster children extends:

- The exception to the gift disclosure requirements for public officers and employees;
- Certain contractual limitations for agency employees acting on behalf of their agency;
- Limited exception relating to contributions to a candidate for certain offices;
- Prohibition on receipt of gifts for relatives of district school board members; and
- Required disclosure of potential conflicting interests held by a relative of employees, officers, and consultants of the Greater Miami Expressway Agency.

The bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Ethical Standards

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>1</sup> establishes ethical standards for public officials and applies to officers and employees of the state or a political subdivision.<sup>2</sup> The Code of Ethics ensures that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.<sup>3</sup> The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.<sup>4</sup> Various activities by public officers and employees are limited or prohibited by the Code of Ethics, including, in relevant part, solicitation and acceptance of gifts.<sup>5</sup>

### Gift Laws

The Code of Ethics' gift law provides that Reporting Individuals<sup>6</sup> and Procurement Employees<sup>7</sup> (RIPE) generally may not accept gifts. This includes gifts that are for the personal benefit of a family member of the RIPE. The prohibition against solicitation is comprehensive, there is no valuation threshold, and it applies even to food and beverages.

Under s. 112.312, F.S., for purposes of ethics in government and financial disclosures, a “gift,” includes anything accepted directly by or on behalf of an individual, or paid for or given to another on that individual's behalf. Types of gifts include:

- Real property.
- The use of real property.
- Tangible or intangible personal property.
- The use of tangible or intangible personal property.
- A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- Forgiveness of an indebtedness.

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<sup>1</sup> See pt. III. Ch. 112, F.S.

<sup>2</sup> Section 112.311(5), F.S.

<sup>3</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1., <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=202619> (last visited January 9, 2026)

<sup>4</sup> See pt III. Ch. 112, F.S.

<sup>5</sup> Sections 112.311(2) and (3), and 112.313, F.S.; see also 9 FLA. JUR. 2D CIVIL SERVANTS s. 168 *Standards of conduct for public officers and employees* (2024).

<sup>6</sup> Section 112.3148(2)(d), F.S. (Reporting individual “means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office”).

<sup>7</sup> Section 112.3148(2)(e), F.S., (Procurement employee “means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year”).

- Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
- Food or beverage.
- Membership dues.
- Entrance fees, admission fees, or tickets to events, performances, or facilities.
- Plants, flowers, or floral arrangements.
- Services provided by persons pursuant to a professional license or certificate.
- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

A gift does not include:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
- With certain exceptions, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.
- An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property, made available by a governmental agency, for a public purpose.
- Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

### ***Exceptions to Gift Disclosure Requirements***

However, RIPE may accept gifts from relatives.<sup>8</sup> The law also provides that RIPE do not have to disclose gifts given to them by relatives, irrespective of their monetary value.<sup>9</sup> Section 112.313(21), F.S., defines the term "relative" for purposes of Florida's gift law.<sup>10</sup> The current

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<sup>8</sup> See s. 112.3148, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> The full definition provides: 'Relative,' unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson,

statutory definition of the term “relative” is broad and includes persons sharing the same legal residence, as well as those who are engaged to be married.<sup>11</sup> However, this definition does not include the current and former foster children and foster parents of a RIPE. Gifts from such persons are therefore subject to the gifts restriction and disclosures in law.<sup>12</sup>

Gifts to district school board members are governed by s. 1001.421, F.S., District school board members and their “relatives” are prohibited from directly or indirectly soliciting any gift, or directly or indirectly accepting any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term “relative” under s. 1001.421, F.S., uses the same definition as that in the Code of Ethics.

### **Other Ethical Standard Involving “Relatives”**

An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor.<sup>13</sup>

### **Disclosure Requirements for Candidates**

Chapter 106, F.S., governs campaign financing and prescribes requirements for candidates,<sup>14</sup> political committees,<sup>15</sup> and electioneering communications organizations,<sup>16</sup> including but not limited to provisions regarding:

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stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 112.3185, F.S.

<sup>14</sup> Section 106.011(3), F.S., defines “candidate” to mean a person who seeks to qualify for nomination or election by means of the petitioning process; seeks to qualify for election as a write-in candidate; receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures with a view to bring about his or her nomination or election to, or retention in, public office; appoints a treasurer and designates a primary depository; or files qualification papers and subscribes to a candidate’s oath as required by law. The term “candidate” does not include any candidate for a political party executive committee.

<sup>15</sup> Section 106.011(16)(a), F.S., defines “political committee” to mean (a) a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year: accepts contributions to any candidate, political committee, affiliated party committee, or political party; accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue; makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party; or (b) the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. The following are not considered political committees for purposes of ch. 106, F.S.: national political parties; the state and county executive committees of political parties, and affiliated party committees; corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions or expenditures in support of or in opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; and electioneering communications organizations.

<sup>16</sup> Section 106.011(9), F.S., defines “electioneering communications organization” to mean any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures

- Registration and officers;
- Reporting;
- Contributions<sup>17</sup> and expenditures;<sup>18</sup>
- Closure of candidate campaign accounts and disposition of surplus funds; and
- Disclaimers.

All candidates other than political party executive committee candidates, all political committees, and all electioneering communications organizations must at regular intervals<sup>19</sup> file contribution and expenditure reports.<sup>20</sup> Contribution reporting of such candidates and political committees must include the full name, address, and occupation, if any, of each person who made a contribution to the candidate or committee within the reporting period, together with the amount and date of such contribution. However, if the contribution is less than \$100 and is from a relative, as defined in s. 112.321, F.S., provided that the relationship is reported, the occupation of the contributor need not be listed.<sup>21</sup>

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for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter. Section 106.011(8)(a), F.S., defines “electioneering communication” to mean a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which (a) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (b) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (c) is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Specified types of communications are exempted from the definition.

<sup>17</sup> Section 106.011(5), F.S., defines “contribution” to mean (a) a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication; (b) a transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups; (c) the payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services; or (d) the transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes interest earned on such account or certificate. However, “contribution” does not include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

<sup>18</sup> Section 106.011(10)(a), F.S., defines “expenditure” to mean a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. The term does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

<sup>19</sup> Current law requires quarterly, weekly, or daily reporting, depending on proximity to the election. *See* ss. 106.07(1) and 107.0703(1), F.S.

<sup>20</sup> *See* ss. 106.07 and 106.0703, F.S. Each candidate and political committee files its campaign finance reports with the same filing officer as for its initial qualifying or organization.

<sup>21</sup> Section 106.07(4)(a)1., F.S.

A candidate for political party executive committee is required to file only one contribution and expenditure report, on the fourth day immediately preceding the primary election.<sup>22</sup> Their contribution report, like that of other candidates, does not require reporting the occupation of a contributor of a relative whose relationship is reported if the contribution is \$100 or less.<sup>23</sup>

### **Ethics Requirements for the Greater Miami Expressway Agency**

The Greater Miami Expressway Agency (GMX) is charged with constructing expressways for Miami-Dade and Monroe counties and its powers included the power to sue and be sued, acquire and hold property, enter into leases, establish toll rates, and borrow money.<sup>24</sup> The GMX is subject to the Code of Ethics as well as additional ethical requirements. In relevant part, each officer, employee, or consultant of the GMX must promptly disclose:

- Every relationship that may create a conflict between his or her private interests and the performance of his or her duties to the agency or that would impede the full and faithful discharge of his or her duties to the agency.
- Any relative and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate any provision of s. 112.313, F.S.<sup>25</sup>
- Any relative who is a lobbyist and such lobbyist's principal.
- Any direct or indirect interest in real property and such interest of any relative if such property is located within one-half mile of any actual or prospective agency project. The executive director of the agency shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all officers, employees, and consultants.

For the purposes of these disclosure requirements, "relative" has the same definition as the Code of Ethics. Failure to make such disclosures constitutes a violation of official, employment, or contractual duties to the GMX.<sup>26</sup>

### **III. Effect of Proposed Changes:**

**Section 1** revises the definition of the term "relative" in the Code of Ethics to include current and former foster parents and foster children. In effect, this allows Reporting Individuals and Procurement Employees to receive gifts from current and former foster children and foster parents without having to report the gift to the Commission on Ethics pursuant to s. 112.3148, F.S. This mirrors the exemption from reporting requirements of gifts provided to a wide variety of family members.

<sup>22</sup> Section 106.0702, F.S. Candidates for political party executive committee file reports with the supervisor of elections of the appropriate county.

<sup>23</sup> Section 106.0702(4)(a)1., F.S.

<sup>24</sup> Section 348.0306, F.S.

<sup>25</sup> Under s. 112.313, F.S., no public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

<sup>26</sup> Section 348.0305, F.S.

The definition of “relative” amended by this bill also applies to certain contractual prohibitions for agency employees set forth in s. 112.3185, F.S. An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor. The bill expands this prohibition on contractual relationships to include business entities in which a public employee’s current or former foster parent or foster child is an officer, partner, director, or proprietor.

Sections 2-5 reenact various statutes to incorporate the revised definition of “relative.”

- **Section 2** reenacts s. 106.07, F.S., relating to disclosures filed by campaign treasurers; and **section 3** reenacts s. 106.0702, F.S., relating to the reporting of contributions required by an individual seeking a publicly elected position on a political party executive committee. In both instances, these disclosures must include the occupation of each contributor and, if a corporation, the principal type of business conducted. If the contributor is a relative, however, who contributes \$100 or less, the occupation of the contributor or the principal type of business need not be listed. The bill extends the definition of relative so the report of a contribution by a current or former foster parent or foster child need not include the contributor’s occupation.
- **Section 4** reenacts s. 348.0305, F.S., relating to ethical requirements of employees, officers, and consultants of the Greater Miami Expressway Agency. Under the changes in the bill, the disclosure of certain potential conflicting interests of relatives required of employees, officers, and consultants now includes the interests of current and former foster parents and foster children.
- **Section 5** reenacts s. 1001.421, F.S., relating to the gift law prohibition for district school board members and their “relatives.” District school board members and their relatives may not solicit any gift in excess of \$50 from any person, vendor, potential vendor, or other entity doing business with the school district. The bill expands this prohibition to current and former foster parents and children or district school board members.

The Commission on Ethics proposed these changes in their Legislative Recommendations for the 2026 Legislative Session.<sup>27</sup>

**Section 6** provides the bill takes effect July 1, 2026.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

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<sup>27</sup> *Legislative Recommendations for 2026*, Florida Commission on Ethics Memorandum, (dated September 18, 2025), <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7839> (providing the recommendation because foster parents do not necessarily adopt the children they foster, but these foster parents and foster children often maintain a familial relationship through their lives, even after their legal relationship ends).

**B. Public Records/Open Meetings Issues:**

None identified.

**C. Trust Funds Restrictions:**

None identified.

**D. State Tax or Fee Increases:**

None identified.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None identified.

**VII. Related Issues:**

None identified.

**VIII. Statutes Affected**

This bill substantially amends sections 106.07, 106.0702, 112.312, 348.0305, and 1001.421 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on January 26, 2026:**

The CS reenacts ss. 106.07, 106.0702, and 348.0305, F.S., to incorporate the updated definition of “relative.” These sections relate to ethical disclosures of gifts and contributions from a relative to a candidate for certain offices; prohibition on receipt of gifts for relatives of district school board members; and the required disclosure of potential conflicting interests held by a relative of an employee, officer, or consultant of the Greater Miami Expressway Agency.

- B. **Amendments:**

None.