

CHAPTER 2023-49

Committee Substitute for Committee Substitute for Senate Bill No. 774

An act relating to ethics requirements for public officials; amending s. 99.061, F.S.; requiring candidates for specified elective offices to file a full and public disclosure at the time of qualifying; authorizing candidates to file a certain verification or receipt with the qualifying officer unless certain conditions exist; conforming provisions to changes made by the act; amending s. 112.3142, F.S.; revising legislative intent; requiring commissioners of community redevelopment agencies to complete annual ethics training; exempting commissioners who assumed office after a specified date from completing the required annual ethics training for that calendar year; reenacting and amending s. 112.3144, F.S.; requiring specified local officers and members of the Commission on Ethics to file full and public disclosures; requiring the Commission on Ethics to accept federal income tax returns and any attachments or schedules for a specified purpose; deleting the prohibition on including a federal income tax return or a copy thereof for certain filings; requiring the commission to allow a filer to include attachments and other supporting documentation with his or her disclosure; revising the notice the commission sends to specified persons by e-mail; requiring that disclosure statements be filed using the commission's electronic filing system; revising the deadline for disclosures to be received by the commission; deleting provisions relating to financial statements filed by mail; revising a provision requiring the commission to adopt a specified rule; requiring an individual appointed to replace an elected local officer who leaves office before the end of his or her term to file a full and public disclosure of financial interests annually for the remainder of his or her term in office; amending s. 112.31445, F.S.; requiring the commission to publish a specified notice on the electronic filing system for the disclosure of financial interests; requiring that the filing system allow a filer to include attachments and other supporting documentation; amending s. 112.31446, F.S.; requiring that the electronic filing system allow a filer to submit attachments and other supporting documentation when a disclosure is filed; reenacting and amending s. 112.3145, F.S.; deleting a prohibition on including a federal income tax return or copy thereof in a financial disclosure; deleting a provision requiring specified local officers to file reports with the supervisor of elections of the officer's county of principal employment or residence; requiring local officers to file their quarterly reports of the names of clients they represent for a fee or commission with the Commission on Ethics; deleting a provision requiring the commission to provide a specified list to the supervisors of elections; requiring the commission to allow a filer to include attachments or other documentation when filing a disclosure; deleting a provision requiring the commission to provide the supervisors of elections a certain list annually by a specified date; requiring the commission to provide a certain notice by e-mail, beginning on a specified

date; providing that, beginning on a specified date, paper forms will no longer be provided; requiring the commission, before a specified date, to determine which persons have not submitted a required statement and to send delinquency notices to such persons; requiring that disclosure statements be filed using the electronic filing system, beginning on a specified date; revising the criteria for a rule that the commission must adopt regarding the electronic filing of disclosure statements; requiring the commission to determine the amount of fines for all delinquent filers, beginning on a specified date; conforming provisions to changes made by the act; amending s. 112.317, F.S.; increasing the maximum civil penalty allowed for certain violations related to statements of financial disclosure; amending s. 112.3215, F.S.; requiring the commission to investigate specified entities or individuals that intentionally failed to disclose any material fact or that knowingly submitted false information in certain required reports; authorizing the commission to dismiss certain complaints and investigations; requiring the commission to issue a specified public report if it dismisses such a complaint or investigation; making technical changes; amending s. 112.324, F.S.; revising applicability; requiring the commission to revise financial disclosure forms and rules for the 2022 filing year to conform to changes made by the act; exempting such revisions from specified rulemaking requirements; providing an effective date.

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

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

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

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

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

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

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

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

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

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

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

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

(2)

(e) The Legislature intends that a constitutional officer, a commissioner of a community redevelopment agency, or an elected municipal officer who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer, a commissioner of a community redevelopment agency, or an elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer, a commissioner of a community redevelopment

agency, or an elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

Section 3. Notwithstanding the expiration date in section 92 of chapter 2022-157, Laws of Florida, paragraph (c) of subsection (6), paragraphs (a) and (c) of subsection (7), and subsections (8) and (10) of section 112.3144, Florida Statutes, are reenacted and amended, and paragraphs (d) and (e) are added to subsection (1) of that section, to read:

112.3144 Full and public disclosure of financial interests.—

(1)

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

1. Mayors.

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

(e) Beginning January 1, 2024, each member of the Commission on Ethics must comply with the financial disclosure requirements of s. 8, Art. II of the State Constitution and this section.

(6)

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

(7)(a) ~~Beginning January 1, 2023, a filer may not include in a filing to the commission a federal income tax return or a copy thereof;~~ a social security number; a bank, mortgage, or brokerage account number; a debit, charge, or credit card number; a personal identification number; or a taxpayer identification number. If a filer includes such information in his or her filing, the information may be made available as part of the official records of the commission available for public inspection and copying unless redaction is requested by the filer. The commission is not liable for the release of social security numbers or bank account, debit, charge, or credit card numbers included in a filing to the commission if the filer has not requested redaction of such information.

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

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

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

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

(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 shall~~ 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:

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

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

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

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

Beginning January 1, 2023, paper forms may not be provided and persons required to file a full and public disclosure of financial interests must

~~complete and file their disclosures on the electronic filing system pursuant to subsection (2) Not later than June 1 of each year, the commission shall distribute a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the list. Beginning January 1, 2022, no paper forms will be provided by mail. The notice required under this paragraph and instructions for electronic submission must be delivered by e-mail.~~

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

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

(e) ~~Beginning January 1, 2023, a written declaration, as provided for under s. 92.525(2), accompanied by an electronic signature satisfies the requirement that the disclosure be sworn.~~

(f) ~~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 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. the following:~~

1. ~~The amount of the fine due is based upon the earliest of the following:~~
 - a. ~~When a statement is actually received by the office.~~
 - b. ~~When the statement is postmarked.~~

~~e.—When the certificate of mailing is dated.~~

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

2. 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.~~ 3. 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.~~ 3. The moneys shall be deposited into the General Revenue Fund.

~~2.3.~~ 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 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.

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

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

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

(10) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection. When an elected local officer specified in paragraph (1)(d) leaves office before the expiration of his or her term, any individual appointed to replace such officer for the remainder of that term must file a full and public disclosure of financial interests annually thereafter for the remainder of his or her term in office.

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

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

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

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

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

112.31446 Electronic filing system for financial disclosure.—

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

(f) Allow a filer to include attachments or other supporting documentation when submitting a disclosure or a statement through the system.

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

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

(2)

(b) Each state or local officer, except local officers specified in s. 112.3144(1)(d), and each specified state employee shall file a statement of financial interests no later than July 1 of each year. Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period. Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file ~~before~~ ~~prior to~~ confirmation hearings or within 30 days from the date of appointment, whichever comes first.

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

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

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

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

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

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

(6) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. ~~Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident.~~ Each state officer, elected constitutional officer, and specified state employee shall file such report with the commission. Beginning January 1, 2024, each local officer shall file such report with the commission. The report must ~~shall~~ be filed only when a reportable representation is made during the calendar quarter and must ~~shall~~ be filed no later than the last day of each calendar quarter, for the previous calendar quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term “representation before any agency” does not include appearances before any court or the Deputy Chief Judge of Compensation Claims or judges of compensation claims or representations on behalf of one’s agency in one’s official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(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 ~~shall~~ be created by the commission and ~~provided to each supervisor of elections.~~ The commission shall allow a filer to include attachments or other supporting documentation when filing a disclosure. Beginning January 1, 2024, the commission and ~~each supervisor of elections~~ shall give notice of disclosure deadlines, ~~and delinquencies,~~ and instructions ~~distribute forms~~ in the following manner:

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

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

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

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

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

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

Beginning January 1, 2024, paper forms may not be provided and persons required to file a statement of financial interests must complete and file such statements on the electronic filing system pursuant to paragraph (2)(e) Not later than June 1 of each year, the commission and each supervisor of elections, as appropriate, shall distribute a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests. Beginning January 1, 2024, no paper forms will be provided. The notice required under this paragraph and instructions for electronic submission must be delivered by e-mail.

~~(c) Not later than August 1 of each year, the commission and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices to these persons. Through December 31, 2023, delinquency notices must be sent by certified mail, return receipt requested. Each notice must state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500; for notices distributed by a supervisor of elections, that he or she is required by law to notify the commission of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317. Beginning January 1, 2024, notice required under this paragraph must be delivered by~~

e-mail and must be redelivered on a weekly basis by e-mail as long as the person remains delinquent.

(d) Beginning January 1, 2024, disclosure statements required to be filed with the commission must be filed by 11:59 p.m. on the due date using the commission's electronic filing system pursuant to s. 112.31446 ~~No later than November 15 of each year, the supervisor of elections in each county shall certify to the commission a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. The certification must include the earliest of the dates described in subparagraph (g)1. The certification shall be on a form prescribed by the commission and shall indicate whether the supervisor of elections has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.~~

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

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

(f)(g) ~~Any person who is required to file a statement 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 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. the following:~~

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

- a. ~~When a statement is actually received by the office.~~
- b. ~~When the statement is postmarked.~~

~~e.—When the certificate of mailing is dated.~~

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

~~2. for a specified state employee, or a state officer, or local officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), 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. 3. 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. 3. The moneys are to be deposited into the General Revenue Fund.~~

~~2.3.~~ 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 commission. For purposes of this subparagraph, the term “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.

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

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

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

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

112.317 Penalties.—

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

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.
6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

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

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in his or her salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.

8. Public censure and reprimand.

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

- 1. Disqualification from being on the ballot.
- 2. Public censure.
- 3. Reprimand.
- 4. A civil penalty not to exceed ~~\$20,000~~ \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer’s or employee’s leaving public office or employment:

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

(e) In the case of a person who is subject to the standards of this part, other than a lobbyist or lobbying firm under s. 112.3215 for a violation of s. 112.3215, but who is not a public officer or employee:

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

Section 8. Present paragraph (d) of subsection (8) of section 112.3215, Florida Statutes, is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and paragraph (c) of subsection (8) and subsection (9) of that section are amended, to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(8)

(c) The commission shall investigate any lobbying firm, lobbyist, principal, agency, officer, or employee upon receipt of information from a

sworn complaint or from a random audit of lobbying reports indicating that the entity or individual has intentionally failed to disclose any material fact or has knowingly submitted false information in any report required by this section or by rules adopted pursuant to this section a possible violation other than a late-filed report.

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

(9) If the commission finds no probable cause to believe that a violation of this section occurred, it must ~~shall~~ dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, becomes ~~shall become~~ a matter of public record, and the commission must ~~shall~~ send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If, after investigating information from a random audit of lobbying reports, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts becomes ~~shall become~~ a matter of public record, and the commission must ~~shall~~ send a copy of the findings and summary to the alleged violator. If the commission finds probable cause to believe that a violation occurred, it must ~~shall~~ report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint ~~shall then~~ become public records. Upon a request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated ~~any provision of~~ this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

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

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

(11)(a) Notwithstanding subsections (1)-(8), the commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the commission shall consider whether the interests of the public were protected despite the violation. ~~This subsection~~

~~does not apply to complaints or referrals pursuant to ss. 112.3144 and 112.3145.~~

Section 10. Upon this act becoming a law, the Commission on Ethics shall, as necessary, revise its financial disclosure forms and instructions and any related rules to conform to this act. Any such revisions to disclosure forms and instructions pertaining to the 2022 filing year shall be exempt from the requirements of chapter 120, Florida Statutes.

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

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.