

**Tab 1** | **SPB 7010** by **EE**; OGSR/Voter Registration Applicants

**Tab 2** | **SPB 7012** by **EE**; OGSR/Secure Login Credentials Held by the Commission on Ethics

**Tab 3** | **SPB 7014** by **EE**; Ethics

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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ETHICS AND ELECTIONS**  
**Senator Burgess, Chair**  
**Senator Rouson, Vice Chair**

**MEETING DATE:** Wednesday, December 13, 2023  
**TIME:** 8:30—10:30 a.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Burgess, Chair; Senator Rouson, Vice Chair; Senators Avila, Grall, Ingoglia, Martin, Mayfield, Polsky, and Powell

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	<b>SPB 7010</b>	OGSR/Voter Registration Applicants; Providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; deleting the scheduled repeal of the exemption; authorizing the disclosure of confidential and exempt information for specified purposes, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
Consideration of proposed bill:			
2	<b>SPB 7012</b>	OGSR/Secure Login Credentials Held by the Commission on Ethics; Amending a provision which provides exemptions from public records requirements for secure login credentials held by the Commission on Ethics and certain information entered into the electronic filing system for financial disclosures; deleting the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0
Consideration of proposed bill:			
3	<b>SPB 7014</b>	Ethics; Increasing the maximum fine for violations of specified lobbying provisions; prohibiting a member of the Commission on Ethics from serving more than two full terms, instead of two full terms in succession; requiring the commission to submit a copy of a certain referral to an alleged violator within a specified timeframe; authorizing an investigation that must be completed within a specified timeframe if a specified number of commissioners determines further investigation is necessary, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 1
<b>(Preliminary Draft Available - final draft will be made available at least 48 hours prior to the meeting)</b>			
Other Related Meeting Documents			

**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 Ethics and Elections

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BILL: SPB 7010  
INTRODUCER: Ethics and Elections Committee  
SUBJECT: OGSR/Voter Registration Applicants  
DATE: December 13, 2023      REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Biehl	Roberts		<b>EE Submitted as Comm. Bill/Fav</b>

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**I. Summary:**

SPB 7010 saves from repeal the current public records exemption making information concerning preregistered voter registration applicants who are 16 or 17 years old confidential and exempt from public records disclosure requirements.

Unless saved from repeal by the Legislature, the exemption will repeal on October 2, 2023. This bill removes the scheduled repeal, thereby continuing the confidential and exempt status of information concerning preregistered voter registration applicants.

This bill also authorizes disclosure of certain information related to voter registration, including that protected by the exemption under review, to another governmental entity if disclosure is necessary for election administration purposes.

The bill takes effect October 1, 2024.

**II. Present Situation:**

**Public Records Law**

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>3</sup> The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>4</sup>

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.<sup>5</sup> Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>6</sup>

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

Only the Legislature may create an exemption to public records requirements.<sup>9</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>10</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>11</sup>

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<sup>3</sup> Public records laws are found throughout the Florida Statutes.

<sup>4</sup> Section 119.01(1), F.S.

<sup>5</sup> *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>7</sup> Section 119.07(1)(a), F.S.

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

<sup>10</sup> *Id.*

<sup>11</sup> The bill may, however, contain multiple exemptions that relate to one subject.

and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the OGSR Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>16</sup> with specified exceptions.<sup>17</sup> The OGSR Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>18</sup> In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The OGSR Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>19</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>20</sup>
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>21</sup> or
- It protects trade or business secrets.<sup>22</sup>

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<sup>12</sup> FLA. CONST. art. I, s. 24(c)

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

<sup>14</sup> *Id.*

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

<sup>16</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

<sup>17</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>18</sup> Section 119.15(3), F.S.

<sup>19</sup> Section 119.15(6)(b), F.S.

<sup>20</sup> Section 119.15(6)(b)1., F.S.

<sup>21</sup> Section 119.15(6)(b)2., F.S.

<sup>22</sup> Section 119.15(6)(b)3., F.S.

The OGSR Act also requires specified questions to be considered during the review process.<sup>23</sup> In examining an exemption, the OGSR Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>24</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>25</sup>

### **Voter Registration and Preregistration**

The Florida Voter Registration Act<sup>26</sup> delineates the qualifications and requirements necessary for a person to register to vote in Florida. In order to become a registered voter in Florida, a person must register pursuant to the Florida Election Code<sup>27</sup> and must be at least 18 years of age.<sup>28</sup> However, a person who is 16 or 17 years old is allowed to preregister and, if his or her application is accepted and complete, may vote in any election occurring on or after that person's 18<sup>th</sup> birthday.<sup>29</sup>

The Department of State (DOS) must prescribe by rule a uniform statewide voter registration application<sup>30</sup> designed to elicit the following information from the applicant:

- Name, date of birth, address of legal residence and mailing address, if different.
- E-mail address.
- County of legal residence.
- Race or ethnicity.
- State or country of birth.
- Sex.
- Party affiliation.
- Whether the applicant needs assistance in voting.
- Name and address where last registered.
- Last four digits of the applicant's social security number.

<sup>23</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?  
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>24</sup> FLA. CONST. art. I, s. 24(c).

<sup>25</sup> Section 119.15(7), F.S.

<sup>26</sup> Part II, ch. 97, F.S.

<sup>27</sup> Chapters 97-106, F.S., are cited as "The Florida Election Code." See s. 97.011, F.S.

<sup>28</sup> Section 97.041(1)(a)1., F.S.

<sup>29</sup> Section 97.041(1)(b), F.S.

<sup>30</sup> Section 97.052(1), F.S.; see also r. 1S-2.040, F.A.C., incorporating form DS-DE 39 by reference.

- An indication, if applicable, that the applicant has not been issued a Florida driver license or identification card or a social security number.
- Telephone number (optional).
- Signature of applicant under penalty for false swearing pursuant to law, by which the applicant subscribes to the oath and swears that the information contained in the application is true.
- Whether the application is being used for initial registration, to update a registration, or to request a replacement voter information card.
- Whether the applicant is a United States citizen.
- Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored.
- Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.<sup>31</sup>

The Florida Election Code requires the DOS to adopt rules prescribing minimum standards for nonpartisan voter education,<sup>32</sup> which the DOS has completed.<sup>33</sup> Supervisors of elections (SOEs) are required to implement those standards and conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.<sup>34</sup> The DOS rule requires each SOE to conduct an annual high school voter registration and education program at each public high school in the county to educate and reach eligible high school students concerning registering and preregistering to vote.<sup>35</sup> The program must be developed in cooperation with the SOE's local school board.<sup>36</sup>

### **Public Records Exemptions Related to Voter Information**

Current law provides that certain voter registration information held by an agency is confidential and exempt from public records requirements.<sup>37</sup> The following voter registration information is protected from disclosure:

- All declinations to register to vote.
- Information relating to the place where a person registered to vote or where a person updated a voter registration.
- The social security number, driver license number, and Florida identification card number of a voter registration applicant or voter.
- All information concerning 16- or 17-year-old voter registration applicants who preregister to vote.<sup>38</sup>

In addition, the signature of a voter registration applicant or a voter is exempt from the requirement that allows a person to copy a public record.<sup>39</sup>

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<sup>31</sup> Section 97.052(2), F.S.

<sup>32</sup> Section 98.255(1), F.S.

<sup>33</sup> Rule 1S-2.033, F.A.C.

<sup>34</sup> Section 98.255(2), F.S.

<sup>35</sup> Rule 1S-2.033, F.A.C.

<sup>36</sup> *Id.*

<sup>37</sup> Section 97.0585, F.S.

<sup>38</sup> Section 97.0585(1), F.S.

<sup>39</sup> Section 97.0585(2), F.S.

### **Public Records Exemption under Review**

In 2019, the Legislature created the public records exemption for all information concerning 16- or 17-year-old voter registration applicants who preregister to vote.<sup>40</sup> The 2019 public necessity statement for the exemption provides that:

Information concerning preregistered voter registration applicants who are 16 or 17 years of age could be misused if released. Minors are more vulnerable members of society, and the widespread release of information acquired through preregistration activities may be used to solicit, harass, stalk, or intimidate such individuals. Without such protection, a minor may be less likely to take advantage of preregistering to vote, thus hindering the effective and efficient administration of a program that otherwise encourages greater participation in the democratic process.<sup>41</sup>

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2024, unless reenacted by the Legislature.<sup>42</sup>

During the 2023 interim, House and Senate staff sent questionnaires<sup>43</sup> to each SOE as part of their review of the exemption under the OGSR Act. The vast majority of responses recommended the exemption be reenacted as is. No responses recommended repeal of the exemption or indicated being aware of any litigation regarding the exemption. In addition, House and Senate staff met with DOS staff, who indicated that the agency was unaware of any litigation regarding the exemption and recommended the exemption be reenacted as is.

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

The bill removes the scheduled repeal of the public records exemption for all information concerning 16- or 17-year-old voter registration applicants who preregister to vote, thereby continuing the confidential and exempt status of the information. In addition, the bill authorizes disclosure of the preregistered voter information and of other information protected by s. 97.0585(1), F.S., to another governmental entity if disclosure is necessary for election administration purposes.

The bill takes effect October 1, 2024.

### **IV. Constitutional Issues:**

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

None.

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<sup>40</sup> Chapter 2019-55, L.O.F.

<sup>41</sup> *Id.*

<sup>42</sup> Section 97.0585(1)(d), F.S.

<sup>43</sup> Open Government Sunset Review Questionnaire, *Pre-registered Voters*, responses on file with the Senate Committee on Ethics and Elections.



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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill does not create or expand an exemption, so it does not require a two-thirds vote for enactment.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption, so it does not require a public necessity statement.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 97.0585, Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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FOR CONSIDERATION By the Committee on Ethics and Elections

582-01158A-24

20247010pb

1 A bill to be entitled  
 2 An act relating to a review under the Open Government  
 3 Sunset Review Act; amending s. 97.0585, F.S., which  
 4 provides an exemption from public records requirements  
 5 for information concerning preregistered voter  
 6 registration applicants who are minors; deleting the  
 7 scheduled repeal of the exemption; authorizing the  
 8 disclosure of confidential and exempt information for  
 9 specified purposes; providing an effective date.

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

11 Section 1. Section 97.0585, Florida Statutes, is amended to  
 12 read:  
 13 97.0585 Public records exemption; information regarding  
 14 voters and voter registration; confidentiality.—  
 15 (1) The following information held by an agency, as defined  
 16 in s. 119.011, and obtained for the purpose of voter  
 17 registration is confidential and exempt from s. 119.07(1) and s.  
 18 24(a), Art. I of the State Constitution and may be used only for  
 19 purposes of voter registration:  
 20 (a) All declinations to register to vote made pursuant to  
 21 ss. 97.057 and 97.058.  
 22 (b) Information relating to the place where a person  
 23 registered to vote or where a person updated a voter  
 24 registration.  
 25 (c) The social security number, driver license number, and  
 26 Florida identification number of a voter registration applicant  
 27 or voter.  
 28  
 29

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

582-01158A-24

20247010pb

30 (d) All information concerning preregistered voter  
 31 registration applicants who are 16 or 17 years of age. ~~This~~  
 32 ~~paragraph is subject to the Open Government Sunset Review Act in~~  
 33 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~  
 34 ~~2024, unless reviewed and saved from repeal through reenactment~~  
 35 ~~by the Legislature.~~

36 (2) The signature of a voter registration applicant or a  
 37 voter is exempt from the copying requirements of s. 119.07(1)  
 38 and s. 24(a), Art. I of the State Constitution.

39 (3) Information made confidential and exempt under this  
 40 section may be disclosed to another governmental entity if  
 41 disclosure is necessary for election administration purposes.

42 (4) This section applies to information held by an agency  
 43 before, on, or after the effective date of this exemption.  
 44 Section 2. This act shall take effect October 1, 2024.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# APPEARANCE RECORD

SB 7010  
Bill Number or Topic

12/13/2023  
Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Ethics Elections  
Committee

Amendment Barcode (if applicable)

Name TRISH NEELY Phone 850 322 3317

Address 2024 SHANORI LAKE Email \_\_\_\_\_  
Street

Tally \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

LEAGUE WOMEN VOTERS

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)*

# APPEARANCE RECORD

12/13/2023

Meeting Date

EIE

Committee

7010

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name DAVID RAMBA Phone 850 727 7087

Address 120 S MONROE ST. Email david@rambalaw.com

Street

TALAHASSEE

FL

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA SUPERVISORS OF ELECTIONS

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)*

This form is part of the public record for this meeting.

**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 Ethics and Elections

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BILL: SPB 7012

INTRODUCER: Ethics and Elections Committee

SUBJECT: OGSR/Secure Login Credentials Held by the Commission on Ethics

DATE: December 13, 2023      REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts		<b>EE Submitted as Comm. Bill/Fav</b>

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**I. Summary:**

SPB 7012 saves from repeal current public records exemptions for all secure login credentials held by the Commission on Ethics for the purpose of allowing access to the electronic financial disclosure filing system, as well as information entered into the system for purposes of making the disclosure.

Pursuant to the Open Government Sunset Review Act, these exemptions will repeal on October 2, 2024, unless reenacted by the Legislature. This bill saves the exemptions from repeal by deleting the scheduled repeal date.

This bill takes effect October 1, 2024.

**II. Present Situation:**

**Public Records Law**

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

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<sup>1</sup> FLA. CONST. art. I, s. 24(a)

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Only the Legislature may create an exemption to public records requirements.<sup>9</sup> An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>10</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>11</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>12</sup>

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<sup>10</sup> *Id.*

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<sup>12</sup> FLA. CONST. art. I, s. 24(c).

determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the OGSR Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>16</sup> with specified exceptions.<sup>17</sup> The OGSR Act requires the repeal of such exemptions on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment; in order to save an exemption from repeal the Legislature must reenact the exemption or repeal the sunset date.<sup>18</sup> In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The OGSR Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>19</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>20</sup>
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>21</sup> or
- It protects trade or business secrets.<sup>22</sup>

The OGSR Act also requires specified questions to be considered during the review process.<sup>23</sup> In examining an exemption, the OGSR Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

<sup>14</sup> *Id.*

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

<sup>16</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

<sup>17</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>18</sup> Section 119.15(3), F.S.

<sup>19</sup> Section 119.15(6)(b), F.S.

<sup>20</sup> Section 119.15(6)(b)1., F.S.

<sup>21</sup> Section 119.15(6)(b)2., F.S.

<sup>22</sup> Section 119.15(6)(b)3., F.S.

<sup>23</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?



If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>24</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>25</sup>

### **The Code of Ethics for Public Officers and Employees**

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>26</sup> establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”<sup>27</sup> The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics (commission).<sup>28</sup>

### **Commission on Ethics**

The State Constitution requires the creation of an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within jurisdiction of the judicial qualifications commission.<sup>29</sup> The commission was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.<sup>30</sup> In addition to its constitutional duties, the commission, in part:

- Renders advisory opinions to public officials.<sup>31</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws.<sup>32</sup>
- Administers the executive branch lobbying registration and reporting law.<sup>33</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees.<sup>34</sup>

- 
- Is the record or meeting protected by another exemption?
  - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>24</sup> FLA. CONST. art. I, s. 24(c).

<sup>25</sup> Section 119.15(7), F.S.

<sup>26</sup> See Pt. III, Ch. 112, F.S.; see also Art. II, s. 8(h)(1), FLA. CONST.

<sup>27</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

<sup>28</sup> See Pt. III, Ch. 112, F.S.

<sup>29</sup> Article III, s. 8(g), FLA. CONST.

<sup>30</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023); see also s. 112.320, F.S.

<sup>31</sup> Section 112.322(3)(a), F.S.

<sup>32</sup> Section 112.322(2)(b), F.S.

<sup>33</sup> Sections 112.3215 and 112.32155, F.S.

<sup>34</sup> Section 112.3144, F.S.

- Administers automatic fines for public offices and employees who fail to timely file required annual financial disclosure.<sup>35</sup>

### **Disclosure of Financial Interests**

The State Constitution requires elected constitutional officers, candidates for such offices, and statewide elected officers to file “full and public disclosure of their financial interests.”<sup>36</sup> Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.<sup>37</sup>

The term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value of each asset and liability in excess of \$1,000.<sup>38</sup> The disclosure must be accompanied by either a copy of the filer’s most recent federal income tax return or a sworn statement that identifies each separate source and amount of income that exceeds \$1,000.<sup>39</sup> The commission has created by rule CE Form 6 (Form 6) to be used to make the required full and public financial disclosure.<sup>40</sup>

Currently, individuals holding the following positions must file Form 6:<sup>41</sup>

- Governor.
- Lieutenant Governor.
- Cabinet members.
- Legislators.
- State attorneys.
- Public defenders.
- Clerks of circuit court.
- Sheriffs.
- Tax collectors.
- Property appraisers.
- Supervisors of elections.
- County commissioners.
- Mayors and elected members of a municipal governing body.
- Each Member on the Commission of Ethics.
- Elected Superintendents of schools.
- District school board members.
- Jacksonville City Council members, including the mayor.
- Judges of compensation claims.

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<sup>35</sup> Section 112.31455, F.S.; *see also Florida Commission on Ethics, Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

<sup>36</sup> Article II, s. 8(a), FLA. CONST.

<sup>37</sup> *See* s. 112.3144(1), F.S.

<sup>38</sup> Article II, s. 8(j)(1), FLA. CONST.

<sup>39</sup> *Id.*; *see also* s. 112.3144, F.S.

<sup>40</sup> Section 112.3144(8), F.S.; *see also* r. 34-7.010, F.A.C.

<sup>41</sup> Rule 34-8.003, F.A.C.; *see also* Commission on Ethics, *Filing Information*, available at [https://www.ethics.state.fl.us/Documents/Forms/Form1.html#form\\_6](https://www.ethics.state.fl.us/Documents/Forms/Form1.html#form_6) (last visited December 13, 2023).

- Duval County Superintendent of Schools.
- Florida Housing Finance Corporation board members.
- Each member of a large-hub commercial service airport.
- Each member of an expressway authority, a transportation authority (except the Jacksonville Transportation Authority), a bridge authority, or a toll authority created pursuant to chapter 348 or Chapter 343, F.S., or any other general law.

Reporting individuals must file Form 6 annually with the commission by 11:59 p.m. on July 1.<sup>42</sup> Additionally, candidates for a constitutional office must make a full and public disclosure of their financial interests at the time of qualifying.

Current law requires a less detailed disclosure of financial interests using the commission's CE Form 1 (Form 1) for certain local officers, including certain officers holding elected positions in political subdivisions of the state, as well as specified appointive officers.<sup>43</sup> Other persons filing Form 1 include specified state officers and employees as well as persons seeking to qualify as candidates for state or local office.<sup>44</sup>

Form 1 requires those individual to disclose their primary sources of income, other than their public position, secondary sources of income, real property, intangible personal property, liabilities, and interests in specific businesses.<sup>45</sup>

Although no specified dollar values of incomes, property or liabilities are required to be reported, the filer must report which assets or liabilities exceed certain dollar thresholds.<sup>46</sup> Form 1 filers must disclose all sources of income in excess of \$2,500, excluding public salary, all sources of income from a business entity that the filers had a material interest in where their gross income was in excess of \$5,000 and in excess of 10 percent of the business' gross income. Form 1 filers must also disclose any property, except for their residence or vacation home, in which the person owns more than five percent of the value of the property, as well as any intangible property in excess of \$10,000 and any liability in excess of \$10,000.<sup>47</sup> Form 1 must be filed annually with the commission by 11:59 p.m. on July 1.<sup>48</sup>

### **Electronic Financial Disclosure**

In 2015, the commission began the process of implementing an electronic filing system for financial disclosures.<sup>49</sup> That system was procured and testing began in 2022.<sup>50</sup> Form 6 filers began filing electronically as of January 1, 2023.<sup>51</sup> Form 1 filers will beginning filing using the electronic filing system as of January 1, 2024.<sup>52</sup>

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<sup>42</sup> Section 112.3144(8)(d), F.S.

<sup>43</sup> Section 112.3145, F.S.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Section 112.3145(3), F.S.

<sup>47</sup> Section 112.3145(3)(b), F.S.

<sup>48</sup> Section 112.3145(2)(b), F.S.

<sup>49</sup> Section 112.31445, F.S.

<sup>50</sup> Section 112.31446(2), F.S.

<sup>51</sup> Section 112.3144(8)(b)2., F.S.

<sup>52</sup> Section 112.3145(2)(e), F.S.

### **Public Record Exemption under Review**

In 2019, the Legislature created two public records exemptions to facilitate the use of the electronic financial disclosure system.<sup>53</sup> The first exemption protects all secure login credentials held by the commission for the purpose of allowing access to the electronic financial disclosure filing system. The second exemption protects information entered into the system prior to submission for the purpose of making the disclosure.<sup>54</sup> Once information entered into the system is submitted to the commission or filed with a qualifying officer, the information loses its exempt status and becomes public.<sup>55</sup>

The 2019 public necessity statement<sup>56</sup> provides that:

The Legislature finds that the public’s need for access to information included in the full and public disclosures of financial interests or statements of financial interests filed by reporting individuals be balanced with the filer’s interest in safeguarding personally sensitive information. The Legislature further finds that the unemotional publication of such information may subject the filer to identity theft, financial harm, or other adverse impacts.<sup>57</sup>

Pursuant to the OGSR Act, the exemptions will repeal on October 2, 2024, unless reenacted by the Legislature.

During the 2023 interim, House and Senate staff met with commission staff regarding the public record exemptions under review. Commission staff emphasized the importance of the exemptions as it protects secure login credentials to the electronic filing system itself as well as personally sensitive information that may subject the filer to identity theft, financial harm, or other adverse impacts if not protected. Therefore, commission staff recommended the exemptions be reenacted as is.

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

The bill removes the scheduled repeal date of the public record exemptions, thereby maintaining the public record exemptions for all secure login credentials used to access the electronic financial disclosure filing system, as well as information entered into the system for the purpose of making disclosure prior to submission.

The bill takes effect October 1, 2024.

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<sup>53</sup> Section 112.31446(6), F.S.

<sup>54</sup> Section 112.31446(6)(a), F.S.

<sup>55</sup> Section 112.31446(6)(b), F.S.

<sup>56</sup> Article I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the necessity justifying the exemption.”

<sup>57</sup> Chapter 2019-40, L.O.F.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill does not create or expand an exemption, so it does not require a two-thirds vote for enactment.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption, so it does not require a public necessity statement.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 112.31446, Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

FOR CONSIDERATION By the Committee on Ethics and Elections

582-01165-24

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A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; amending s. 112.31446, F.S., which  
provides exemptions from public records requirements  
for secure login credentials held by the Commission on  
Ethics and certain information entered into the  
electronic filing system for financial disclosures;  
deleting the scheduled repeal of the exemption;  
providing an effective date.

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

Section 1. Paragraph (c) of subsection (6) of section  
112.31446, Florida Statutes, is amended to read:

112.31446 Electronic filing system for financial  
disclosure.—

(6)

~~(c) This subsection is subject to the Open Government  
Sunset Review Act in accordance with s. 119.15 and shall stand  
repealed on October 2, 2024, unless reviewed and saved from  
repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect July 1, 2024.

# APPEARANCE RECORD

12-13-2023

Meeting Date

SPB 7012

Bill Number or Topic

Ethics & Elections

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kerrie Stillman

Phone 850-488-7864

Address 325 John Knox Rd

Email stillman.kerrie@leg.state.fl.us

Street

Tallahassee, FL 32303

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Comm. on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)



# APPEARANCE RECORD

SB 7012

Bill Number or Topic

12/13/2013

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Ethics Elections

Committee

Amendment Barcode (if applicable)

Name TRISH NEELY Phone 850 322 3317

Address 2024 Shangri La Lane Email \_\_\_\_\_  
Street

Tally \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

LEAGUE WOMEN VOTERS

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

**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 Ethics and Elections

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BILL: SPB 7014

INTRODUCER: Ethics and Elections Committee

SUBJECT: Ethics

DATE: December 13, 2023      REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts		<b>EE Submitted as Comm. Bill/Fav</b>

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**I. Summary:**

SPB 7014 creates timeframes for completion of investigations of alleged ethics violations conducted by the Commission on Ethics (commission) and:

- Creates a harmless error standard for failure to meet the deadlines;
- Tolls the timeframes until resolution of any related criminal cases; and
- Provides that the timeframes will apply to existing and new cases.

The proposed bill also:

- Confirms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws;
- Provides that terms of commission members are limited to two total, rather than two successive;
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint;
- Requires a vote of six commission members to reject or deviate from a recommendation of counsel to the commission; and
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts.

The proposed bill takes effect July 1, 2024.

## II. Present Situation:

### Commission on Ethics

The Commission on Ethics was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.<sup>1</sup> The Florida Constitution and state law designate the commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.<sup>2</sup> Constitutional duties of the commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.<sup>3</sup> In addition to constitutional duties, the commission in part:

- Renders advisory opinions to public officials;<sup>4</sup>
- Conducts investigations into potential violations of the Code of Ethics or Florida Constitution based on referrals from select government agencies;<sup>5</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>6</sup>
- Administers the executive branch lobbying registration and reporting Laws;<sup>7</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees;<sup>8</sup> and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.<sup>9</sup>

Current law prescribes requirements for commission members and specifies that a member may not serve more than two full terms in succession.<sup>10</sup>

### Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>11</sup> establishes ethical standards for public officials and is intended to “ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation provided by law.”<sup>12</sup> The Code of Ethics pertains to various ethical issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct,

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<sup>1</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

<sup>2</sup> Section 8(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

<sup>3</sup> Section (8)(g), art. II, Fla. Const.

<sup>4</sup> Section 112.322(3)(a), F.S.

<sup>5</sup> Section 112.324(1)(b), F.S.

<sup>6</sup> Section 112.322(2)(b), F.S.

<sup>7</sup> Sections 112.3215, 112.32155, F.S.

<sup>8</sup> Section 112.3144, F.S.

<sup>9</sup> Section 112.3144, F.S.; s. 112.3145, F.S.; s. 112.31455, F.S.

<sup>10</sup> Section 112.321(1), F.S.

<sup>11</sup> See Pt. III, Ch. 112, F.S.; *see also* Art. II, s. 8(h)1, Fla. Const.

<sup>12</sup> Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> (last visited December 13, 2023).

investigations and prosecutions of ethics complaints and referrals for alleged ethics violations, and the commission, among others.<sup>13</sup>

### **Procedures on Complaints and Violations**

Current law requires the commission to investigate alleged violations of the Code of Ethics upon receipt of a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, or upon receipt of a written referral of a possible violation from the Governor, the Department of Law Enforcement, a State Attorney, or a United States Attorney.<sup>14</sup> Within 5 days after receipt of a complaint by the commission or a determination by at least six members of the commission that the referral received is deemed sufficient, the commission must transmit a copy to the alleged violator.<sup>15</sup>

Upon determination of legal sufficiency of a complaint or referral, the commission must undertake a preliminary investigation.<sup>16</sup> The commission begins the preliminary investigation with issuance of an order to investigate.<sup>17</sup> After the commission's investigator completes his or her initial investigation, he or she writes an investigatory report<sup>18</sup> and mails the report to the alleged violator and to an advocate in the Attorney General's office, who serves as counsel for the commission.<sup>19</sup> The alleged violator is given 14 days from the mailing of the investigator's report to respond to the report.<sup>20</sup> Upon receipt of the investigatory report, the advocate must make a written probable cause recommendation to the commission.<sup>21</sup> A copy of the advocate's recommendation must be furnished to the alleged violator, and the alleged violator has 7 days from the date of mailing of the advocate's recommendation to provide a written response for the commission's consideration.<sup>22</sup>

The commission then schedules a probable cause hearing, which is held during an executive session of the commission.<sup>23</sup> The commission must send notice to the parties at least 14 days prior to the hearing.<sup>24</sup>

If the commission does not find probable cause that the alleged violations were committed, the complaint is dismissed.<sup>25</sup> The commission may order additional investigation if it is deemed necessary.<sup>26</sup> If the commission finds probable cause, it then provides written notice to the alleged violator of the probable cause finding and of the scheduling of a public hearing.<sup>27</sup>

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<sup>13</sup> See Pt. III, Ch. 112, F.S.

<sup>14</sup> Section 112.324(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 112.324(3), F.S.

<sup>17</sup> Rule 34-5.002(2), F.A.C.; r. 34-17.005(2), F.A.C.

<sup>18</sup> Rule 34-5.004(7), F.A.C.; r. 34-17.008(6), F.A.C.

<sup>19</sup> Rule 34-5.006(1)(3), F.A.C.; r. 34-17.010(1)(3), F.A.C.;

<sup>20</sup> Rule 34-5.006(2), F.A.C.; r. 34-17.010(2), F.A.C.

<sup>21</sup> Rule 34-5.006(3), F.A.C.; r. 34-17.010(3), F.A.C.

<sup>22</sup> *Id.*

<sup>23</sup> Rule 34-5.006(4), F.A.C.; r. 34-17.010(4), F.A.C.

<sup>24</sup> *Id.*

<sup>25</sup> Section 112.324(3), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

The alleged violator may at any time during the subsequent proceedings negotiate a settlement with the commission via the advocate.<sup>28</sup> The alleged violator also has the option to dispute material facts and request a formal hearing or to request an informal hearing and present mitigating circumstances.<sup>29</sup>

The commission may conduct a formal hearing itself or transfer the case to the Division of Administrative Hearings (DOAH) for formal hearing.<sup>30</sup> An informal hearing is always conducted by the commission.<sup>31</sup> If the commission conducts a hearing, it subsequently issues a Final Order recommending a penalty.<sup>32</sup> If an administrative law judge at DOAH conducts a formal hearing, the judge issues a Recommended Order to the commission.<sup>33</sup> Jurisdiction may be relinquished back to the commission from the DOAH at the request of the commission or if a judge determines there are no disputed material facts.<sup>34</sup>

The commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation alleged is a *de minimis* violation attributable to inadvertent or unintentional error.<sup>35</sup> The commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public would not be served by proceeding further, in which case the commission must issue a public report stating with particularity its reasons for dismissal.<sup>36</sup>

### Penalty Provisions

The general penalty provisions for violations of the Code of Ethics are located in s. 112.317, F.S., and prescribe, among other penalties, a maximum civil penalty of \$20,000 per violation.<sup>37</sup> During the 2023 legislative session, the Legislature increased that penalty to \$20,000 from \$10,000 at the request of the commission.<sup>38</sup>

The law provides separate penalties for violations of the constitutional prohibition against lobbying by a public officer.<sup>39</sup> Among other penalties, the prescribed maximum civil penalty for a violation of that prohibition is \$10,000.<sup>40</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Rule 34-5.010, F.A.C.; r. 34-17.013, F.A.C. See s. 120.569(2), F.S.; s. 120.57(1), F.S.

<sup>31</sup> Rule 34-5.010, F.A.C.; r. 34-17.013, F.A.C.; See s. 120.569(1), F.S.; s. 120.57(2), F.S.

<sup>32</sup> The commission is without jurisdiction to impose a penalty or enter into a stipulation or settlement which imposes penalty (s. 112.324(3), F.S.). Penalties must be imposed only by the appropriate disciplinary authority designated by s. 112.324, F.S.

<sup>33</sup> Rule 34-5.024(1), F.A.C.; r. 34-17.018(1); F.A.C.; See also s. 120.57(1)(k), F.S.; r. 28-106.216, F.A.C.

<sup>34</sup> Section 120.57(1)(i), F.S.

<sup>35</sup> Section 112.324(11), F.S. A *de minimis* violation is any violation that is unintentional and not material in nature.

<sup>36</sup> Section 112.324(12), F.S. In order for the commission to dismiss a complaint under this provision, it must find that the public interest would not be served by proceeding further and must issue a public report explaining its justification for dismissal. In contrast, to dismiss a violation for being *de minimis*, the commission must find that the violation was unintentional and not material in nature.

<sup>37</sup> Section 112.317(1)(a)6., F.S. The commission is without jurisdiction to impose any penalty, but may make recommendations for an appropriate penalty to the appropriate disciplinary authority charged with imposing penalties as designated under the procedures of s. 112.324(3), F.S.

<sup>38</sup> Section 7, ch. 2023-49.

<sup>39</sup> Section 112.3122, F.S.

<sup>40</sup> Section 12.3122(4)(b), F.S.

### **Redress for Defense against a Maliciously Filed Complaint**

Current law entitles a public officer or employee who is the subject of a maliciously filed ethics complaint to seek from the complainant the costs and attorney fees related to the public officer or employee's defense against the complaint.<sup>41</sup> The law does not include *candidates* for public office in the categories of persons who may seek such redress.<sup>42</sup>

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

SPB 7014 creates the following statutory timeframes for completion of investigations of alleged ethics violations conducted by the commission:

- Requires the commission to complete the preliminary investigation, which concludes with the probable cause determination, no later than 1 year after the beginning of the preliminary investigation.
- Requires the commission to determine technical sufficiency of a complaint within 5 days of receipt and legal sufficiency within 21 days of receipt, and requires the commission to determine technical and legal sufficiency of a referral at its next meeting.
- Creates a 60-day deadline from the date of the commission's receipt of an initial complaint for the complainant to file an amended complaint.
- Requires an investigatory report to be completed no later than 120 days after issuance of the order to investigate.
- Requires an investigatory report be provided to the alleged violator and advocate no later than 5 days after completion of the report.
- Requires the advocate to make a written probable cause recommendation to the commission no later than 15 days after receiving an investigatory report.
- Requires the commission to provide the advocate's recommendation to the alleged violator no later than 5 days after its completion.
- Requires the alleged violator be given 14 days to respond in writing after the mailing date of the advocate's recommendation.
- Requires the commission, upon receipt of the advocate's recommendation, to schedule the probable cause hearing for the next executive session if notice requirements can be met.
- Limits an order of additional investigation at a probable cause hearing to 60 days, if six commission members approve, and requires the commission to document the reasons for extension during the hearing.
- Requires the commission to provide written notification of the probable cause determination to the complainant and the alleged violator no later than 5 days after the date of the probable cause determination.
- Requires the commission to conduct an informal hearing no later than 75 days after the date of the probable cause determination.
- If jurisdiction of a case is relinquished back from the DOAH without a Recommended Order, require the commission to take up the case at its next meeting and to complete final action on the case no later than 30 days after that meeting.

---

<sup>41</sup> Section 112.317(7), F.S.

<sup>42</sup> *Id.*

The proposed bill specifies the following implementing provisions related to the new timeframes:

- A failure of the commission to comply with the new timeframes constitutes harmless error in any related disciplinary action unless a court finds that the fairness of the proceedings or the correctness of an action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.
- The timeframes are tolled pending resolution of a related criminal complaint.
- The timeframes apply to existing and new cases.

The proposed bill also:

- Confirms the maximum civil penalty for a violation of the constitutional prohibition against lobbying by a public officer to those for other violations of ethics laws.
- Provides that terms of commission members are limited to two total, rather than two successive.
- Adds candidates for public office to the categories of persons authorized to recover costs and attorney fees for defending against a maliciously filed ethics complaint.
- Requires a vote of six commission members to reject or deviate from a recommendation of counsel to the commission.
- Removes the commission's ability to conduct a formal hearing to determine disputed material facts.
- Makes technical changes, removing obsolete language.

The proposed bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The provisions of the proposed bill will require implementation by the commission, including potential rulemaking, revision of internal policies and procedures, and development of a case tracking process.

The timeframes for complaint resolution may reduce costs to investigate and prosecute ethics violations by preventing unnecessary delays.

Because the commission currently refers all cases for which a formal hearing is to be conducted to the DOAH, the proposed bill's removal of the commission's authority to conduct formal hearings is not likely to increase the commission's DOAH costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.3122, 112.321, 112.317, and 112.324.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.





812280

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
12/13/2023	.	
	.	
	.	
	.	

---

The Committee on Ethics and Elections (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 91

and insert:

subject to confirmation by the Senate. Such member, whether appointed or reappointed to the commission, must appear for his or her Senate confirmation hearing. The committee conducting such confirmation hearing may subpoena the member pursuant to s. 11.143(3) (a). One member appointed by



812280

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13       Delete line 5

14 and insert:

15       F.S.; requiring certain members that are appointed or  
16       reappointed to the Commission on Ethics to appear for  
17       their confirmation hearing; authorizing the committee  
18       conducting the hearing to subpoena such member;  
19       prohibiting a member of the commission

FOR CONSIDERATION By the Committee on Ethics and Elections

582-01747A-24

20247014pb

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. 112.321,  
 5 F.S.; prohibiting a member of the Commission on Ethics  
 6 from serving more than two full terms, instead of two  
 7 full terms in succession; making technical changes;  
 8 deleting obsolete language; amending s. 112.317, F.S.;  
 9 providing that a complainant is liable for costs plus  
 10 reasonable attorney fees for filing a complaint with  
 11 malicious intent against a candidate for public  
 12 office; amending s. 112.324, F.S.; requiring the  
 13 commission to submit a copy of a certain referral to  
 14 an alleged violator within a specified timeframe;  
 15 specifying that complaints and referrals must be  
 16 technically, in addition to legally, sufficient for  
 17 the commission to undertake a preliminary  
 18 investigation and make a certain determination;  
 19 authorizing a complainant to submit an amended  
 20 complaint within a specified timeframe; providing that  
 21 the probable cause determination concludes the  
 22 preliminary investigation; requiring the commission to  
 23 complete a preliminary investigation, including a  
 24 probable cause determination, within a specified  
 25 timeframe; requiring the commission to determine  
 26 technical and legal sufficiency of complaints and  
 27 referrals within specified timeframes and issue an  
 28 order to investigate under a specified condition;  
 29 requiring that the commission complete an

Page 1 of 10

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582-01747A-24

20247014pb

30 investigatory report within a specified timeframe and  
 31 provide a copy of the completed report to an alleged  
 32 violator and counsel for the commission within a  
 33 specified timeframe; requiring counsel for the  
 34 commission to make a written recommendation for  
 35 disposition of a complaint within a specified  
 36 timeframe after receiving the investigatory report;  
 37 requiring that the commission provide such  
 38 recommendation to the violator within a specified  
 39 timeframe; providing that the alleged violator has a  
 40 specified timeframe to respond in writing to the  
 41 counsel's recommendation; requiring the commission,  
 42 upon receipt of the counsel's recommendation, to  
 43 schedule a probable cause hearing for the next  
 44 executive session of the commission if specified  
 45 conditions are met; providing that, under specified  
 46 conditions, the commission may dismiss complaints or  
 47 referrals before completion of a preliminary  
 48 investigation; providing a timeframe within which the  
 49 commission must notify a complainant and an alleged  
 50 violator after a finding of probable cause; specifying  
 51 that an alleged violator is entitled to request a  
 52 hearing before the Division of Administrative Hearings  
 53 or may select an informal hearing with the commission;  
 54 authorizing an investigation that must be completed  
 55 within a specified timeframe if a specified number of  
 56 commissioners determines further investigation is  
 57 necessary; requiring the commission to document the  
 58 reasons for ordering such investigation; providing the

Page 2 of 10

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582-01747A-24

20247014pb

59 timeframe within which the commission must conduct an  
 60 informal hearing; requiring the commission to schedule  
 61 a case that has been relinquished from the Division of  
 62 Administrative Hearings for additional action at the  
 63 next commission meeting; requiring the commission to  
 64 complete final action on such case within a specified  
 65 timeframe; requiring a specified number of  
 66 commissioners to vote to reject or deviate from a  
 67 recommendation made by counsel; providing that  
 68 specified timeframes are tolled until the completion  
 69 of a related criminal investigation or prosecution,  
 70 excluding appeals, whichever occurs later; providing  
 71 that a harmless error standard applies to the  
 72 commission regarding specified timeframes; providing  
 73 that specified timeframes apply retroactively and  
 74 prospectively; providing an effective date.

75  
 76 Be It Enacted by the Legislature of the State of Florida:

77  
 78 Section 1. Paragraph (b) of subsection (4) of section  
 79 112.3122, Florida Statutes, is amended to read:

80 112.3122 Enforcement and penalties for constitutional  
 81 prohibition against lobbying by a public officer.—

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

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

85 Section 2. Subsection (1) of section 112.321, Florida  
 86 Statutes, is amended to read:

87 112.321 Membership, terms; travel expenses; staff.—

582-01747A-24

20247014pb

88 (1) The commission shall be composed of nine members. Five  
 89 of these members shall be appointed by the Governor, no more  
 90 than three of whom shall be from the same political party,  
 91 subject to confirmation by the Senate. One member appointed by  
 92 the Governor shall be a former city or county official and may  
 93 be a former member of a local planning or zoning board which has  
 94 only advisory duties. Two members shall be appointed by the  
 95 Speaker of the House of Representatives, and two members shall  
 96 be appointed by the President of the Senate. Neither the Speaker  
 97 of the House of Representatives nor the President of the Senate  
 98 shall appoint more than one member from the same political  
 99 party. Of the nine members of the Commission, no more than five  
 100 members shall be from the same political party at any one time.  
 101 A ~~No~~ member may not hold any public employment. An individual  
 102 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215  
 103 or pursuant to any local government charter or ordinance may not  
 104 serve as a member of the commission, ~~except that this~~  
 105 ~~prohibition does not apply to an individual who is a member of~~  
 106 ~~the commission on July 1, 2006, until the expiration of his or~~  
 107 ~~her current term.~~ A member of the commission may not lobby any  
 108 state or local governmental entity as provided in s. 11.045 or  
 109 s. 112.3215 or as provided by any local government charter or  
 110 ordinance, ~~except that this prohibition does not apply to an~~  
 111 ~~individual who is a member of the commission on July 1, 2006,~~  
 112 ~~until the expiration of his or her current term.~~ All members  
 113 shall serve 2-year terms. A member may not serve more than two  
 114 full terms ~~in succession~~. Any member of the commission may be  
 115 removed for cause by majority vote of the Governor, the  
 116 President of the Senate, the Speaker of the House of

582-01747A-24

20247014pb

117 Representatives, and the Chief Justice of the Supreme Court.

118 Section 3. Subsection (7) of section 112.317, Florida  
119 Statutes, is amended to read:

120 112.317 Penalties.—

121 (7) In any case in which the commission determines that a  
122 person has filed a complaint against a public officer or  
123 employee or a candidate for public office with a malicious  
124 intent to injure the reputation of such officer or employee or  
125 candidate by filing the complaint with knowledge that the  
126 complaint contains one or more false allegations or with  
127 reckless disregard for whether the complaint contains false  
128 allegations of fact material to a violation of this part, the  
129 complainant shall be liable for costs plus reasonable attorney  
130 fees incurred in the defense of the person complained against,  
131 including the costs and reasonable attorney fees incurred in  
132 proving entitlement to and the amount of costs and fees. If the  
133 complainant fails to pay such costs and fees voluntarily within  
134 30 days following such finding by the commission, the commission  
135 shall forward such information to the Department of Legal  
136 Affairs, which shall bring a civil action in a court of  
137 competent jurisdiction to recover the amount of such costs and  
138 fees awarded by the commission.

139 Section 4. Subsections (1) and (3) of section 112.324,  
140 Florida Statutes, are amended to read:

141 112.324 Procedures on complaints of violations and  
142 referrals; public records and meeting exemptions.—

143 (1) The commission shall investigate an alleged violation  
144 of this part or other alleged breach of the public trust within  
145 the jurisdiction of the commission as provided in s. 8(f), Art.

Page 5 of 10

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582-01747A-24

20247014pb

146 II of the State Constitution:

147 (a) Upon a written complaint executed on a form prescribed  
148 by the commission and signed under oath or affirmation by any  
149 person; or

150 (b) Upon receipt of a written referral of a possible  
151 violation of this part or other possible breach of the public  
152 trust from the Governor, the Department of Law Enforcement, a  
153 state attorney, or a United States Attorney which at least six  
154 members of the commission determine is sufficient to indicate a  
155 violation of this part or any other breach of the public trust.

156  
157 Within 5 days after receipt of a complaint or referral by the  
158 commission ~~or a determination by at least six members of the~~  
159 ~~commission that the referral received is deemed sufficient,~~ a  
160 copy must ~~shall~~ be transmitted to the alleged violator.

161 (3) (a) A preliminary investigation must ~~shall~~ be undertaken  
162 by the commission of each technically and legally sufficient  
163 complaint or referral over which the commission has jurisdiction  
164 to determine whether there is probable cause to believe that a  
165 violation has occurred. A complainant may submit an amended  
166 complaint up to 60 days after the commission receives the  
167 initial complaint. The probable cause determination is the  
168 conclusion of the preliminary investigation. The commission  
169 shall complete the preliminary investigation, including the  
170 probable cause determination, no later than 1 year after the  
171 beginning of the preliminary investigation.

172 (b) The commission shall make a determination as to whether  
173 a complaint is technically sufficient no later than 5 days after  
174 receiving the complaint. The commission shall make a

Page 6 of 10

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582-01747A-24

20247014pb

175 determination as to whether a complaint is legally sufficient no  
 176 later than 21 days after receiving the complaint. The commission  
 177 shall make a determination as to whether a referral is  
 178 technically and legally sufficient at its next meeting.

179 (c) If the commission determines a complaint or referral is  
 180 technically and legally sufficient, it must issue an order to  
 181 investigate. An investigatory report must be completed no later  
 182 than 120 days after the beginning of the preliminary  
 183 investigation and must be provided to the alleged violator and  
 184 to counsel for the commission no later than 5 days after  
 185 completion of the report. The counsel for the commission shall  
 186 make a written recommendation to the commission for the  
 187 disposition of the complaint or referral no later than 15 days  
 188 after he or she receives the completed investigatory report. The  
 189 commission shall provide the counsel's written recommendation to  
 190 the alleged violator no later than 5 days after its completion.  
 191 The alleged violator has 14 days to respond in writing after the  
 192 mailing date of the counsel's recommendation.

193 (d) Upon receipt of the counsel's recommendation, the  
 194 commission must schedule a probable cause hearing for the next  
 195 executive session of the commission if notice requirements can  
 196 be met.

197 (e) If, upon completion of the preliminary investigation,  
 198 the commission finds no probable cause to believe that this part  
 199 has been violated, or that no any other breach of the public  
 200 trust has been committed, the commission must ~~shall~~ dismiss the  
 201 complaint or referral with the issuance of a public report to  
 202 the complainant and the alleged violator, stating with  
 203 particularity its reasons for dismissal. At that time, the

Page 7 of 10

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582-01747A-24

20247014pb

204 complaint or referral and all materials relating to the  
 205 complaint or referral ~~shall~~ become a matter of public record.

206 (f) If the commission finds ~~from the preliminary~~  
 207 investigation probable cause to believe that this part has been  
 208 violated or that any other breach of the public trust has been  
 209 committed, it ~~must shall so~~ notify the complainant and the  
 210 alleged violator in writing no later than 5 days after the date  
 211 of the probable cause determination. Such notification and all  
 212 documents made or received in the disposition of the complaint  
 213 or referral ~~shall then~~ become public records. Upon request  
 214 submitted to the commission in writing, any person who the  
 215 commission finds probable cause to believe has violated any  
 216 provision of this part or has committed any other breach of the  
 217 public trust is ~~shall be~~ entitled to a public hearing and may  
 218 elect to have a formal administrative hearing conducted by an  
 219 administrative law judge in the Division of Administrative  
 220 Hearings. If the person does not elect to have a formal  
 221 administrative hearing by an administrative law judge, the  
 222 person is entitled to an informal hearing conducted before the  
 223 commission. Such person is ~~shall be~~ deemed to have waived the  
 224 right to a public hearing if the request is not received within  
 225 14 days following the mailing date of the probable cause  
 226 notification required by this paragraph subsection. However, the  
 227 commission may, on its own motion, require a public hearing.

228 (g) At a probable cause hearing, if at least six members of  
 229 the commission determine ~~may conduct such~~ further investigation  
 230 is necessary, the investigation may be ordered, and such  
 231 investigation may not exceed a period of 60 days ~~as it deems~~  
 232 necessary. During the probable cause hearing, the commission

Page 8 of 10

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582-01747A-24

20247014pb

233 must document the reasons for ordering the additional  
 234 investigation.

235 (h) If the commission conducts an informal hearing, it must  
 236 do so no later than 75 days after the date of the probable cause  
 237 determination.

238 (i) If the commission refers a case to the Division of  
 239 Administrative Hearings for a formal hearing and subsequently  
 240 requests that the case be relinquished back to the commission,  
 241 or if the administrative law judge assigned to the case  
 242 relinquishes jurisdiction back to the commission before a  
 243 recommended order is entered, the commission must schedule the  
 244 case for additional action at the next commission meeting and  
 245 must complete final action on the case no later than 30 days  
 246 after the date of that commission meeting.

247 (j) The commission, ~~and~~ may enter into such stipulations  
 248 and settlements as it finds to be just and in the best interest  
 249 of the state. The commission is without jurisdiction to, and no  
 250 respondent may voluntarily or involuntarily, enter into a  
 251 stipulation or settlement which imposes any penalty, including,  
 252 but not limited to, a sanction or admonition or any other  
 253 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed  
 254 only by the appropriate disciplinary authority as designated in  
 255 this section.

256 (k) At least six members of the commission must vote to  
 257 reject or deviate from a recommendation of counsel to the  
 258 commission.

259 (l) If a criminal complaint related to an investigation  
 260 pursuant to this section is filed, the timeframes in this  
 261 subsection are tolled until completion of the criminal

582-01747A-24

20247014pb

262 investigation or prosecution, excluding any appeals from such  
 263 prosecution, whichever occurs later.

264 (m) The failure of the commission to comply with the time  
 265 limits provided in this subsection constitutes harmless error in  
 266 any related disciplinary action unless a court finds that the  
 267 fairness of the proceedings or the correctness of an action may  
 268 have been impaired by a material error in procedure or a failure  
 269 to follow prescribed procedure.

270 (n) The timeframes provided in this subsection apply to  
 271 complaints and referrals submitted to the commission before, on,  
 272 or after July 1, 2024.

273 Section 5. This act shall take effect July 1, 2024.

12/13/2023

Meeting Date

Senate Ethics & Elections

Committee

Name Kerrie Stillman

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SPB 7014

Bill Number or Topic

Amendment Barcode (if applicable)

Address 325 John Knox Road, Bldg. E, Suite 200

Street

Tallahassee

City

Florida

State

32303

Zip

Phone 850-488-7864

Email stillman.kerrie@leg.state.fl.us

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Commission on Ethics

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



12/13/2013  
Meeting Date

Ethics Elections  
Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 7014  
Bill Number or Topic

~~850 322 3317~~  
Amendment Barcode (if applicable)

Name TRISH NEELY

Phone 850 322 3317

Address 2024 Shangri La Lane  
Street

Email \_\_\_\_\_

Tally  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
LEAGUE WOMEN VOTERS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](http://www.flsenate.gov)

This form is part of the public record for this meeting.

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting .

12.13.2023 Meeting Date

Ethics & Elections Committee

SB 7014 Bill Number of Topic

812280 Amendment Barcode (if applicable)

Name Debbie Chandler Phone 561-254-4441

Address 85 17th Ave S, Email debbie@lwvfl.org

Lake Worth Bch., FL 33460 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [x] I am appearing without compensation or sponsorship. [ ] I am a registered lobbyist, representing: [ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

**COMMITTEES:**

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

**SELECT COMMITTEE:**

Select Committee on Resiliency

**JOINT COMMITTEE:**

Joint Administrative Procedures  
Committee, *Alternating Chair*

November 21<sup>st</sup>, 2023

The Honorable Danny Burgess, Chairman  
Senate Office Building  
404 South Monroe Street  
Tallahassee, FL. 32399-1100

Chairman Burgess,

I respectfully ask to be excused from the Committee on Ethics and Elections that will be held on Wednesday, December 13<sup>th</sup> at 8:30 am. I have a scheduling conflict during committee.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with long, sweeping strokes.

Blaise Ingoglia  
*State Senator, District 11*

*CC'd: Dawn Roberts, Sarah Naf Beihl, Terrance Riggins, and Megan Ramba*

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Ethics and Elections Committee

**Case No.:**

**Type:**  
**Judge:**

**Started:** 12/13/2023 8:32:12 AM

**Ends:** 12/13/2023 9:16:39 AM

**Length:** 00:44:28

8:32:11 AM Chair Burgess calls meeting to order  
8:32:18 AM Roll call  
8:32:33 AM Quorum  
8:32:39 AM Senator Ingolia excused  
8:32:46 AM Chair passed to Senator Rouson  
8:33:20 AM Tab 3- SPB 7014  
8:33:25 AM Senator Burgess explains the bill  
8:34:04 AM Questions:  
8:35:05 AM Senator Powell  
8:35:24 AM Senator Burgess  
8:36:15 AM Senator Powell  
8:36:24 AM Senator Burgess  
8:37:40 AM Senator Powell  
8:38:03 AM Senator Burgess  
8:38:30 AM Senator Powell  
8:39:30 AM Senator Burgess  
8:40:00 AM Senator Powell  
8:40:05 AM Senator Burgess  
8:40:40 AM Senator Powell  
8:41:20 AM Senator Burgess  
8:43:09 AM Senator Polsky  
8:43:43 AM Senator Burgess  
8:44:18 AM Senator Polsky  
8:44:55 AM Senator Burgess  
8:45:33 AM Kerrie Stillman, Executive Director of the Florida Commission on Ethics  
8:46:33 AM Senator Burgess  
8:47:11 AM Kerrie Stillman  
8:47:43 AM Senator Polsky  
8:48:28 AM Kerrie Stillman  
8:49:55 AM Senator Polsky  
8:50:30 AM Kerrie Stillman  
8:52:35 AM Senator Powell  
8:52:59 AM Kerrie Stillman  
8:53:51 AM Senator Powell  
8:54:08 AM Kerrie Stillman  
8:55:18 AM Senator Powell  
8:55:49 AM Kerrie Stillman  
8:56:36 AM Senator Powell  
8:56:48 AM Kerrie Stillman  
8:57:34 AM Senator Polsky explains the amendment  
8:58:39 AM Questions on the amendment  
8:58:47 AM Senator Powell  
8:58:54 AM Senator Polsky  
8:59:23 AM Senator Powell  
8:59:41 AM Senator Polsky  
8:59:59 AM Public testimony  
9:00:06 AM Debbie Chandler, League of Women Voters  
9:01:04 AM Senator Burgess  
9:02:12 AM Senator Polsky closes on the amendment  
9:03:38 AM Amendment withdrawn  
9:04:01 AM Public testimony- Chair reads waiving  
9:04:13 AM Debate:

**9:04:16 AM** Senator Powell  
**9:07:11 AM** Senator Burgesses closes on the bill  
**9:09:08 AM** Roll call  
**9:09:37 AM** SPB 7014 reported  
**9:09:54 AM** Tab 1- SPB 7010  
**9:10:20 AM** Senator Burgess explains the bill  
**9:10:39 AM** Public testimony  
**9:10:56 AM** David Ramba, Florida Supervisors of Elections  
**9:11:51 AM** Chair reads appearance forms - waiving  
**9:12:02 AM** Debate:  
**9:12:07 AM** Senator Powell  
**9:12:34 AM** Senator Burgess closes on the bill  
**9:13:10 AM** Roll call  
**9:13:28 AM** SPB 7010 reported  
**9:14:02 AM** Tab 2- SPB 7012  
**9:14:07 AM** Senator Burgess explains the bill  
**9:14:39 AM** Public testimony  
**9:14:45 AM** Chair reads appearance forms waiving  
**9:15:09 AM** Roll call  
**9:15:30 AM** SPB 7012 reported  
**9:16:05 AM** Senator Mayfield requests to be recorded  
**9:16:20 AM** Senator Powell moves to adjourn  
**9:16:27 AM** Meeting adjourned