



606398

582-02372-23

Proposed Committee Substitute by the Committee on Ethics and
Elections

1 A bill to be entitled
2 An act relating to ethics requirements for public
3 officials; amending s. 99.061, F.S.; requiring
4 candidates for specified elective offices to file a
5 full and public disclosure at the time of qualifying;
6 authorizing candidates to file a certain verification
7 or receipt with the qualifying officer unless certain
8 conditions exist; conforming provisions to changes
9 made by the act; amending s. 112.3142, F.S.; requiring
10 commissioners of community redevelopment agencies to
11 complete annual ethics training; exempting
12 commissioners who assumed office after a specified
13 date from completing the required annual ethics
14 training for that calendar year; reenacting and
15 amending s. 112.3144, F.S.; requiring specified local
16 officers to file full and public disclosures;
17 requiring the Commission on Ethics to accept federal
18 income tax returns, financial statements, and other
19 forms or attachments showing sources of income for a
20 specified purpose; deleting the prohibition on
21 including a federal income tax return or a copy
22 thereof for certain filings; requiring the commission
23 to allow a filer to include attachments and other
24 supporting documentation with his or her disclosure;
25 revising the notice the commission sends to specified
26 persons; requiring that disclosure statements be filed
27 using the commission's electronic filing system;



606398

582-02372-23

28 deleting provisions relating to financial statements
29 filed by mail; revising a provision requiring the
30 commission to adopt a specified rule; requiring an
31 individual appointed to replace an elected local
32 officer who leaves office before the end of his or her
33 term to file a full and public disclosure of financial
34 interests within 30 days after his or her appointment
35 and annually for the remainder of his or her term in
36 office; amending s. 112.31445, F.S.; requiring the
37 commission to publish a specified notice on the
38 electronic filing system for the disclosure of
39 financial interests; requiring that the filing system
40 allow a filer to include attachments and other
41 supporting documentation; amending s. 112.31446, F.S.;
42 requiring that the electronic filing system allow a
43 filer to submit attachments and other supporting
44 documentation when a disclosure is filed; reenacting
45 and amending s. 112.3145, F.S.; deleting a prohibition
46 on including a federal income tax return or copy
47 thereof in a financial disclosure; deleting a
48 provision requiring specified local officers to file
49 reports with the supervisor of elections of the
50 officer's county of principal employment or residence;
51 requiring local officers to file their quarterly
52 reports of the names of clients they represent for a
53 fee or commission with the commission; deleting a
54 provision requiring the commission to provide a
55 specified list to the supervisors of elections;
56 requiring the commission to allow a filer to include



606398

582-02372-23

57 attachments or other documentation when filing a
58 disclosure; deleting a provision requiring supervisors
59 of elections to receive and provide notice of
60 delinquencies of the disclosure of financial
61 interests; requiring the commission to provide a
62 certain notice by e-mail, beginning on a specified
63 date; providing that, beginning on a specified date,
64 paper forms will no longer be provided; requiring the
65 commission to determine which persons have not
66 submitted a required disclosure within a specified
67 timeframe; requiring the commission to send periodic
68 specified notices to such persons; requiring that
69 disclosure statements be filed using the electronic
70 filing system, beginning on a specified date; revising
71 the criteria for a rule that the commission must adopt
72 regarding the electronic filing of disclosure
73 statements; requiring the commission to determine the
74 amount of fines for all delinquent filers, beginning
75 on a specified date; conforming provisions to changes
76 made by the act; amending s. 112.317, F.S.; increasing
77 the maximum civil penalty allowed for certain
78 violations related to statements of financial
79 disclosure; amending s. 112.3215, F.S.; revising
80 lobbying investigation requirements; authorizing the
81 commission to dismiss certain complaints and
82 investigations; requiring the commission to issue a
83 specified public report if it dismisses such a
84 complaint or investigation; amending s. 112.324, F.S.;
85 authorizing the commission to dismiss financial



606398

582-02372-23

86 disclosure complaints or referrals alleging de minimis
87 violations; authorizing the commission to dismiss
88 specified proceedings at any stage of disposition if a
89 certain condition is met; providing an effective date.
90

91 Be It Enacted by the Legislature of the State of Florida:
92

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

95 99.061 Method of qualifying for nomination or election to
96 federal, state, county, or district office.-

97 (5) At the time of qualifying for office, each candidate
98 for a constitutional office, or for another elective office
99 subject to an annual filing requirement pursuant to s. 112.3144,
100 shall file a full and public disclosure of financial interests
101 pursuant to s. 8, Art. II of the State Constitution, which must
102 be verified under oath or affirmation pursuant to s.

103 92.525(1)(a), and a candidate for any other office, including
104 local elective office, shall file a statement of financial
105 interests pursuant to s. 112.3145. A candidate who is subject to
106 an annual filing requirement under s. 112.3144 may file a
107 verification or receipt of electronic filing pursuant to s.
108 112.3144(4). A candidate who is subject to an annual filing
109 requirement under s. 112.3145 may file a verification or receipt
110 of electronic filing pursuant to s. 112.3145(2)(c) unless the
111 candidate is required to file a full and public disclosure of
112 financial interests pursuant to s. 8, Art. II of the State
113 Constitution or this subsection.

114 (7)(a) In order for a candidate to be qualified, the



606398

582-02372-23

115 following items must be received by the filing officer by the
116 end of the qualifying period:

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

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

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

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



606398

582-02372-23

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

151 Section 2. Paragraph (e) of subsection (2) of section
152 112.3142, Florida Statutes, is amended to read:

153 112.3142 Ethics training for specified constitutional
154 officers, elected municipal officers, and commissioners.-

155 (2)

156 (e) The Legislature intends that a constitutional officer,
157 a commissioner of a community redevelopment agency, or an
158 elected municipal officer who is required to complete ethics
159 training pursuant to this section receive the required training
160 as close as possible to the date that he or she assumes office.
161 A constitutional officer, a commissioner of a community
162 redevelopment agency, or an elected municipal officer assuming a
163 new office or new term of office on or before March 31 must
164 complete the annual training on or before December 31 of the
165 year in which the term of office began. A constitutional
166 officer, a commissioner of a community redevelopment agency, or
167 an elected municipal officer assuming a new office or new term
168 of office after March 31 is not required to complete ethics
169 training for the calendar year in which the term of office
170 began.

171 Section 3. Notwithstanding the expiration date in section
172 92 of chapter 2022-157, Laws of Florida, paragraph (c) of



606398

582-02372-23

173 subsection (6), paragraphs (a) and (c) of subsection (7),
174 subsection (8), and subsection (10) of section 112.3144, Florida
175 Statutes, are reenacted and amended, and paragraph (d) is added
176 to subsection (1) of that section, to read:

177 112.3144 Full and public disclosure of financial
178 interests.—

179 (1)

180 (d) The following local officers must comply with the
181 financial disclosure requirements of s. 8, Art. II of the State
182 Constitution and this section:

183 1. Mayors.

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

185 (6)

186 (c) Each separate source and amount of income which exceeds
187 \$1,000 must be identified. For the purpose of a filer reporting
188 income, the commission shall accept federal income tax returns,
189 financial statements, and other forms or attachments showing
190 sources of income ~~Beginning January 1, 2023, a federal income~~
191 ~~tax return may not be used for purposes of reporting income, and~~
192 ~~the commission may not accept a federal income tax return or a~~
193 ~~copy thereof.~~

194 (7) (a) Beginning January 1, 2023, a filer may not include
195 in a filing to the commission ~~a federal income tax return or a~~
196 ~~copy thereof;~~ a social security number; a bank, mortgage, or
197 brokerage account number; a debit, charge, or credit card
198 number; a personal identification number; or a taxpayer
199 identification number. If a filer includes such information in
200 his or her filing, the information may be made available as part
201 of the official records of the commission available for public



606398

582-02372-23

202 inspection and copying unless redaction is requested by the
203 filer. The commission is not liable for the release of social
204 security numbers or bank account, debit, charge, or credit card
205 numbers included in a filing to the commission if the filer has
206 not requested redaction of such information.

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

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

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

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

225 (8) Forms or fields of information for compliance with the
226 full and public disclosure requirements of s. 8, Art. II of the
227 State Constitution must ~~shall~~ be prescribed by the commission.
228 The commission shall allow a filer to include attachments or
229 other supporting documentation when filing a disclosure. The
230 commission shall give notice of disclosure deadlines and



606398

582-02372-23

231 delinquencies and distribute forms in the following manner:

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

242 (b) Not later than June 1 of each year, the commission
243 shall distribute a copy of the form prescribed for compliance
244 with full and public disclosure and a notice of the filing
245 deadline to each person on the list. Beginning January 1, 2022,
246 ~~no~~ paper forms will not be provided ~~by mail~~. The notice required
247 under this paragraph and instructions for electronic submission
248 of the form and any accompanying attachments must be delivered
249 by e-mail.

250 (c) Not later than August 1 of each year, the commission
251 shall determine which persons on the list have failed to file
252 full and public disclosure and shall send delinquency notices to
253 such persons. Each notice must state that a grace period is in
254 effect until September 1 of the current year. Beginning January
255 1, 2022, the notice required under this paragraph must be
256 delivered by e-mail and must be redelivered on a weekly basis by
257 e-mail as long as a person remains delinquent.

258 (d) Disclosure statements required to be filed with the
259 commission must be filed on the commission's electronic filing



606398

582-02372-23

260 system as provided in s. 112.31446 ~~Disclosures must be received~~
261 ~~by the commission~~ not later than 5 p.m. of the due date.

262 ~~However, any disclosure that is postmarked by the United States~~
263 ~~Postal Service by midnight of the due date is deemed to have~~
264 ~~been filed in a timely manner, and a certificate of mailing~~
265 ~~obtained from and dated by the United States Postal Service at~~
266 ~~the time of the mailing, or a receipt from an established~~
267 ~~courier company which bears a date on or before the due date,~~
268 ~~constitutes proof of mailing in a timely manner.~~ Beginning
269 January 1, 2023, upon request of the filer, the commission must
270 provide verification to the filer that the commission has
271 received the filed disclosure.

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

276 (f) Any person who is required to file full and public
277 disclosure of financial interests and whose name is on the
278 commission's list, and to whom notice has been sent, but who
279 fails to timely file is assessed a fine of \$25 per day for each
280 day late up to a maximum of \$1,500; however this \$1,500
281 limitation on automatic fines does not limit the civil penalty
282 that may be imposed if the statement is filed more than 60 days
283 after the deadline and a complaint is filed, as provided in s.
284 112.324. The commission must provide by rule the grounds for
285 waiving the fine and the procedures by which each person whose
286 name is on the list and who is determined to have not filed in a
287 timely manner will be notified of assessed fines and may appeal.
288 The rule must provide for and make specific that the amount of



606398

582-02372-23

289 the fine due is based upon when the disclosure is filed on the
290 commission's electronic filing system that is created and
291 maintained by the commission as provided in s. 112.31446. the
292 following:

293 1. ~~The amount of the fine due is based upon the earliest of~~
294 ~~the following:~~

295 a. ~~When a statement is actually received by the office.~~

296 b. ~~When the statement is postmarked.~~

297 c. ~~When the certificate of mailing is dated.~~

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

300 2. Upon receipt of the disclosure statement or upon accrual
301 of the maximum penalty, whichever occurs first, the commission
302 shall determine the amount of the fine which is due and shall
303 notify the delinquent person. The notice must include an
304 explanation of the appeal procedure under subparagraph 2. ~~3.~~
305 Such fine must be paid within 30 days after the notice of
306 payment due is transmitted, unless appeal is made to the
307 commission pursuant to subparagraph 2. ~~3.~~ The moneys shall be
308 deposited into the General Revenue Fund.

309 ~~2.3.~~ Any reporting person may appeal or dispute a fine,
310 based upon unusual circumstances surrounding the failure to file
311 on the designated due date, and may request and is entitled to a
312 hearing before the commission, which may waive the fine in whole
313 or in part for good cause shown. Any such request must be in
314 writing and received by the commission within 30 days after the
315 notice of payment due is transmitted. In such a case, the
316 reporting person must, within the 30-day period, notify the
317 person designated to review the timeliness of reports in writing



606398

582-02372-23

318 of his or her intention to bring the matter before the
319 commission. For purposes of this subparagraph, "unusual
320 circumstances" does not include the failure to monitor an e-mail
321 account or failure to receive notice if the person has not
322 notified the commission of a change in his or her e-mail
323 address.

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

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

343 (i) Notwithstanding any provision of chapter 120, any fine
344 imposed under this subsection which is not waived by final order
345 of the commission and which remains unpaid more than 60 days
346 after the notice of payment due or more than 60 days after the



606398

582-02372-23

347 commission renders a final order on the appeal must be submitted
348 to the Department of Financial Services as a claim, debt, or
349 other obligation owed to the state, and the department shall
350 assign the collection of such fine to a collection agent as
351 provided in s. 17.20.

352 (10) Each person required to file full and public
353 disclosure of financial interests shall file a final disclosure
354 statement within 60 days after leaving his or her public
355 position for the period between January 1 of the year in which
356 the person leaves and the last day of office or employment,
357 unless within the 60-day period the person takes another public
358 position requiring financial disclosure under s. 8, Art. II of
359 the State Constitution, or is otherwise required to file full
360 and public disclosure for the final disclosure period. The head
361 of the agency of each person required to file full and public
362 disclosure for the final disclosure period shall notify such
363 persons of their obligation to file the final disclosure and may
364 designate a person to be responsible for the notification
365 requirements of this subsection. When an elected local officer
366 specified in paragraph (1)(d) leaves office before the
367 expiration of his or her term, each individual appointed to
368 replace such officer for the remainder of that term shall file a
369 full and public disclosure of financial interests within 30 days
370 after the date of appointment and must file a full and public
371 disclosure of financial interests annually thereafter for the
372 remainder of his or her term in office.

373 Section 4. Subsections (4) and (5) are added to section
374 112.31445, Florida Statutes, to read:

375 112.31445 Electronic filing system; full and public



606398

582-02372-23

376 disclosure of financial interests.-

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

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

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

387 112.31446 Electronic filing system for financial
388 disclosure.-

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

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

395 Section 6. Notwithstanding the expiration date in section
396 95 of chapter 2022-157, Laws of Florida, paragraphs (b) and (e)
397 of subsection (2), paragraphs (a) and (c) of subsection (4),
398 subsection (6), and subsection (8) of section 112.3145, Florida
399 Statutes, are reenacted and amended to read:

400 112.3145 Disclosure of financial interests and clients
401 represented before agencies.-

402 (2)

403 (b) Each state or local officer, except local officers
404 specified in s. 112.3144(1)(d), and each specified state



606398

582-02372-23

405 employee shall file a statement of financial interests no later
406 than July 1 of each year. Each state officer, local officer, and
407 specified state employee shall file a final statement of
408 financial interests within 60 days after leaving his or her
409 public position for the period between January 1 of the year in
410 which the person leaves and the last day of office or
411 employment, unless within the 60-day period the person takes
412 another public position requiring financial disclosure under
413 this section or s. 8, Art. II of the State Constitution or
414 otherwise is required to file full and public disclosure or a
415 statement of financial interests for the final disclosure
416 period. Each state or local officer who is appointed and each
417 specified state employee who is employed shall file a statement
418 of financial interests within 30 days from the date of
419 appointment or, in the case of a specified state employee, from
420 the date on which the employment begins, except that any person
421 whose appointment is subject to confirmation by the Senate shall
422 file before ~~prior to~~ confirmation hearings or within 30 days
423 from the date of appointment, whichever comes first.

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

431 (4) (a) Beginning January 1, 2024, a filer may not include
432 in a filing to the commission ~~a federal income tax return or a~~
433 ~~copy of thereof;~~ a social security number; a bank, mortgage, or



606398

582-02372-23

434 brokerage account number; a debit, charge, or credit card
435 number; a personal identification number; or a taxpayer
436 identification number. If a filer includes such information in
437 his or her filing, the information may be made available as part
438 of the official records of the commission available for public
439 inspection and copying unless redaction is requested by the
440 filer. The commission is not liable for the release of social
441 security numbers, bank account numbers, or debit, charge, or
442 credit card numbers included in a filing to the commission if
443 the filer has not requested redaction of the information.

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

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

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

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

462 (6) Each elected constitutional officer, state officer,



606398

582-02372-23

463 local officer, and specified state employee shall file a
464 quarterly report of the names of clients represented for a fee
465 or commission, except for appearances in ministerial matters,
466 before agencies at his or her level of government. For the
467 purposes of this part, agencies of government shall be
468 classified as state-level agencies or agencies below state
469 level. ~~Each local officer shall file such report with the~~
470 ~~supervisor of elections of the county in which the officer is~~
471 ~~principally employed or is a resident.~~ Each state officer,
472 elected constitutional officer, ~~and~~ specified state employee,
473 and local officer shall file such report with the commission.
474 The report must ~~shall~~ be filed only when a reportable
475 representation is made during the calendar quarter and must
476 ~~shall~~ be filed no later than the last day of each calendar
477 quarter, for the previous calendar quarter. Representation
478 before any agency shall be deemed to include representation by
479 such officer or specified state employee or by any partner or
480 associate of the professional firm of which he or she is a
481 member and of which he or she has actual knowledge. For the
482 purposes of this subsection, the term "representation before any
483 agency" does not include appearances before any court or the
484 Deputy Chief Judge of Compensation Claims or judges of
485 compensation claims or representations on behalf of one's agency
486 in one's official capacity. Such term does not include the
487 preparation and filing of forms and applications merely for the
488 purpose of obtaining or transferring a license based on a quota
489 or a franchise of such agency or a license or operation permit
490 to engage in a profession, business, or occupation, so long as
491 the issuance or granting of such license, permit, or transfer



606398

582-02372-23

492 does not require substantial discretion, a variance, a special
493 consideration, or a certificate of public convenience and
494 necessity.

495 (8) Beginning January 1, 2024, forms for compliance with
496 the disclosure requirements of this section and a current list
497 of persons subject to disclosure must ~~shall~~ be created by the
498 commission ~~and provided to each supervisor of elections.~~ The
499 commission shall allow a filer to include attachments or other
500 supporting documentation when filing a disclosure. Beginning
501 January 1, 2024, the commission ~~and each supervisor of elections~~
502 shall give notice of disclosure deadlines, ~~and delinquencies,~~
503 and instructions ~~distribute forms~~ in the following manner:

504 (a) ~~1.~~ Not later than May 1 of each year, the commission
505 shall prepare a current list of the names, e-mail addresses, and
506 physical addresses of, and the offices or positions held by,
507 every state officer, local officer, and specified employee. Each
508 unit of government shall assist the commission in compiling the
509 list by providing to the commission not later than February 1 of
510 each year the name, e-mail address, physical address, and name
511 of agency of, and the office or position held by, each state
512 officer, local officer, or specified state employee within the
513 respective unit of government as of December 31 of the preceding
514 year.

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

519 (b) Beginning January 1, 2024, the commission shall notify,
520 by e-mail, not later than June 1 of each year, all persons



606398

582-02372-23

521 required to file a statement of financial interests, of all of
522 the following:

523 1. All applicable filing deadlines for completing and
524 filing the statement of financial interests, prescribed under
525 subsection (3), on the commission's electronic filing system.

526 2. Instructions on how to complete and file the statement
527 of financial interests, as prescribed by subsection (3), on the
528 commission's electronic filing system.

529 3. Instructions on how to upload attachments and
530 documentation onto the commission's electronic filing system.

531
532 Beginning January 1, 2024, paper forms may not be provided and
533 persons required to file a statement of financial interests must
534 complete and file their statement of financial interests on the
535 commission's electronic filing system pursuant to paragraph
536 (2)(e) ~~Not later than June 1 of each year, the commission and~~
537 ~~each supervisor of elections, as appropriate, shall distribute a~~
538 ~~copy of the form prescribed for compliance with subsection (3)~~
539 ~~and a notice of all applicable disclosure forms and filing~~
540 ~~deadlines to each person required to file a statement of~~
541 ~~financial interests. Beginning January 1, 2024, no paper forms~~
542 ~~will be provided. The notice required under this paragraph and~~
543 ~~instructions for electronic submission must be delivered by e-~~
544 ~~mail.~~

545 (c)1. Beginning January 1, 2024, but no later than August
546 1, 2024, and each August 1 thereafter, the commission shall
547 determine the persons required to file a statement of financial
548 interests pursuant to this part who have failed to do so and the
549 commission shall send delinquency notices by e-mail to these



606398

582-02372-23

550 persons. The commission shall redeliver weekly by e-mail such
551 notice as long as the person remains delinquent.

552 2. Each notice must state all of the following:

553 a. A grace period is in effect until September 1 of the
554 current year.

555 b. Investigative or disciplinary action based upon the
556 delinquency may not be taken by the agency head or commission if
557 the statement is filed by September 1 of the current year, which
558 includes the imposition of a daily fine of \$25 for each day
559 late, up to a maximum penalty of \$1,500.

560 c. If upon the filing of a sworn complaint the commission
561 finds that a person has failed to timely file the statement
562 within 60 days after September 1 of the current year, such
563 person is subject to the penalties imposed in s. 112.317 ~~Not~~
564 later than August 1 of each year, the commission and each
565 supervisor of elections shall determine which persons required
566 to file a statement of financial interests in their respective
567 offices have failed to do so and shall send delinquency notices
568 to these persons. Through December 31, 2023, delinquency notices
569 must be sent by certified mail, return receipt requested. Each
570 notice must state that a grace period is in effect until
571 September 1 of the current year; that no investigative or
572 disciplinary action based upon the delinquency will be taken by
573 the agency head or commission if the statement is filed by
574 September 1 of the current year; that, if the statement is not
575 filed by September 1 of the current year, a fine of \$25 for each
576 day late will be imposed, up to a maximum penalty of \$1,500; for
577 notices distributed by a supervisor of elections, that he or she
578 is required by law to notify the commission of the delinquency;



606398

582-02372-23

579 ~~and that, if upon the filing of a sworn complaint the commission~~
580 ~~finds that the person has failed to timely file the statement~~
581 ~~within 60 days after September 1 of the current year, such~~
582 ~~person will also be subject to the penalties provided in s.~~
583 ~~112.317. Beginning January 1, 2024, notice required under this~~
584 ~~paragraph must be delivered by e-mail and must be redelivered on~~
585 ~~a weekly basis by e-mail as long as the person remains~~
586 ~~delinquent.~~

587 (d) Beginning January 1, 2024, disclosure statements
588 required to be filed with the commission must be filed using the
589 commission's electronic filing system pursuant to s. 112.31446
590 by 5 p.m. on the due date ~~No later than November 15 of each~~
591 ~~year, the supervisor of elections in each county shall certify~~
592 ~~to the commission a list of the names and addresses of, and the~~
593 ~~offices or positions held by, all persons who have failed to~~
594 ~~timely file the required statements of financial interests. The~~
595 ~~certification must include the earliest of the dates described~~
596 ~~in subparagraph (g)1. The certification shall be on a form~~
597 ~~prescribed by the commission and shall indicate whether the~~
598 ~~supervisor of elections has provided the disclosure forms and~~
599 ~~notice as required by this subsection to all persons named on~~
600 ~~the delinquency list.~~

601 ~~(e) Statements must be received by the commission not later~~
602 ~~than 5 p.m. of the due date. However, any statement that is~~
603 ~~postmarked by the United States Postal Service by midnight of~~
604 ~~the due date is deemed to have been filed in a timely manner,~~
605 ~~and a certificate of mailing obtained from and dated by the~~
606 ~~United States Postal Service at the time of the mailing, or a~~
607 ~~receipt from an established courier company which bears a date~~



606398

582-02372-23

608 ~~on or before the due date, constitutes proof of mailing in a~~
609 ~~timely manner. Beginning January 1, 2023, upon request of the~~
610 ~~filer, the commission must provide verification to the filer~~
611 ~~that the commission has received the filed statement.~~

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

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

- 631 1. Beginning January 1, 2024, The amount of the fine due is
632 based upon the earliest of the following:
- 633 a. ~~When a statement is actually received by the office.~~
 - 634 b. ~~When the statement is postmarked.~~
 - 635 c. ~~When the certificate of mailing is dated.~~
 - 636 d. ~~When the receipt from an established courier company is~~



606398

582-02372-23

637 ~~dated.~~
638 ~~2.~~ for a specified state employee, ~~or a state officer, or~~
639 local officer, upon receipt of the disclosure statement by the
640 commission or upon accrual of the maximum penalty, whichever
641 occurs first, ~~and for a local officer upon receipt by the~~
642 ~~commission of the certification from the local officer's~~
643 ~~supervisor of elections pursuant to paragraph (d),~~ the
644 commission shall determine the amount of the fine which is due
645 and shall notify the delinquent person. The notice must include
646 an explanation of the appeal procedure under subparagraph 2. 3.
647 The fine must be paid within 30 days after the notice of payment
648 due is transmitted, unless appeal is made to the commission
649 pursuant to subparagraph 2. 3. The moneys are to be deposited
650 into the General Revenue Fund.

651 2.3. Any reporting person may appeal or dispute a fine,
652 based upon unusual circumstances surrounding the failure to file
653 on the designated due date, and may request and is entitled to a
654 hearing before the commission, which may waive the fine in whole
655 or in part for good cause shown. Any such request must be in
656 writing and received by the commission within 30 days after the
657 notice of payment due is transmitted. In such a case, the
658 reporting person must, within the 30-day period, notify the
659 person designated to review the timeliness of reports in writing
660 of his or her intention to bring the matter before the
661 commission. For purposes of this subparagraph, the term "unusual
662 circumstances" does not include the failure to monitor an e-mail
663 account or failure to receive notice if the person has not
664 notified the commission of a change in his or her e-mail
665 address.



606398

582-02372-23

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

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

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

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

688 112.317 Penalties.—

689 (1) Any violation of this part, including, but not limited
690 to, failure to file disclosures required by this part or
691 violation of any standard of conduct imposed by this part, or
692 any violation of s. 8, Art. II of the State Constitution, in
693 addition to any criminal penalty or other civil penalty
694 involved, under applicable constitutional and statutory



606398

582-02372-23

695 procedures, constitutes grounds for, and may be punished by, one
696 or more of the following:

697 (a) In the case of a public officer:

698 1. Impeachment.

699 2. Removal from office.

700 3. Suspension from office.

701 4. Public censure and reprimand.

702 5. Forfeiture of no more than one-third of his or her
703 salary per month for no more than 12 months.

704 6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

705 7. Restitution of any pecuniary benefits received because
706 of the violation committed. The commission may recommend that
707 the restitution penalty be paid to the agency of which the
708 public officer was a member or to the General Revenue Fund.

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

712 1. Dismissal from employment.

713 2. Suspension from employment for not more than 90 days
714 without pay.

715 3. Demotion.

716 4. Reduction in his or her salary level.

717 5. Forfeiture of no more than one-third salary per month
718 for no more than 12 months.

719 6. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

720 7. Restitution of any pecuniary benefits received because
721 of the violation committed. The commission may recommend that
722 the restitution penalty be paid to the agency by which the
723 public employee was employed, or of which the officer was deemed



606398

582-02372-23

724 to be an employee, or to the General Revenue Fund.

725 8. Public censure and reprimand.

726 (c) In the case of a candidate who violates this part or s.

727 8(a) and (i), Art. II of the State Constitution:

728 1. Disqualification from being on the ballot.

729 2. Public censure.

730 3. Reprimand.

731 4. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

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

736 1. Public censure and reprimand.

737 2. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

738 3. Restitution of any pecuniary benefits received because
739 of the violation committed. The commission may recommend that
740 the restitution penalty be paid to the agency of the public
741 officer or employee or to the General Revenue Fund.

742 (e) In the case of a person who is subject to the standards
743 of this part, other than a lobbyist or lobbying firm under s.
744 112.3215 for a violation of s. 112.3215, but who is not a public
745 officer or employee:

746 1. Public censure and reprimand.

747 2. A civil penalty not to exceed \$20,000 ~~\$10,000~~.

748 3. Restitution of any pecuniary benefits received because
749 of the violation committed. The commission may recommend that
750 the restitution penalty be paid to the agency of the person or
751 to the General Revenue Fund.

752 Section 8. Present paragraph (d) of subsection (8) of



606398

582-02372-23

753 section 112.3215, Florida Statutes, is redesignated as paragraph
754 (e), a new paragraph (d) is added to that subsection, and
755 paragraph (c) of that subsection is amended, to read:

756 112.3215 Lobbying before the executive branch or the
757 Constitution Revision Commission; registration and reporting;
758 investigation by commission.—

759 (8)

760 (c) The commission shall investigate any lobbying firm,
761 lobbyist, principal, agency, officer, or employee upon receipt
762 of information from a sworn complaint or from a random audit of
763 lobbying reports indicating that the entity or individual has
764 intentionally failed to disclose any material fact or has
765 knowingly submitted false information in any report required by
766 this section or by rules adopted pursuant to this section a
767 possible violation other than a late-filed report.

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

775 Section 9. Paragraph (a) of subsection (11) and subsection
776 (12) of section 112.324, Florida Statutes, are amended to read:

777 112.324 Procedures on complaints of violations and
778 referrals; public records and meeting exemptions.—

779 (11) (a) Notwithstanding subsections (1)–(8), the commission
780 may dismiss any complaint or referral at any stage of
781 disposition if it determines that the violation that is alleged



606398

582-02372-23

782 or has occurred is a de minimis violation attributable to
783 inadvertent or unintentional error. In determining whether a
784 violation was de minimis, the commission shall consider whether
785 the interests of the public were protected despite the
786 violation. ~~This subsection does not apply to complaints or~~
787 ~~referrals pursuant to ss. 112.3144 and 112.3145.~~

788 (12) Notwithstanding ~~the provisions of~~ subsections (1)-(8),
789 the commission may, at its discretion, dismiss any complaint or
790 referral, or dismiss any proceeding brought under s. 112.3215 at
791 any stage of disposition should it determine that the public
792 interest would not be served by proceeding further, in which
793 case the commission shall issue a public report stating with
794 particularity its reasons for the dismissal.

795 Section 10. This act shall take effect upon becoming a law.